



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 144

WASHINGTON, TUESDAY, MARCH 24, 1998

No. 34

## House of Representatives

The House met at 12:30 p.m.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2472. An act to extend certain programs under the Energy Policy and Conservation Act.

The message also announced that the Senate insists upon its amendment to the House amendment to the Senate amendment to the bill (H.R. 2472) "An Act to extend certain programs under the Energy Policy and Conservation Act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MURKOWSKI, Mr. NICKLES, Mr. CRAIG, Mr. THOMAS, Mr. BUMPERS, Mr. BINGAMAN, and Mr. AKAKA, to be the conferees on the part of the Senate.

### MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 21, 1997 the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders and minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

### UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

Mr. WELLER. Mr. Speaker, there is an important question out there and

that question is: Why is enactment of the Marriage Tax Elimination Act so important for American families? And I think it is best to ask a series of questions. Do Americans feel that it is fair that our Tax Code imposes a higher tax on marriage? Do Americans feel that it is fair that 21 million married working couples, 42 million Americans, pay on average \$1,400 more in taxes just because they are married, \$1,400 more than an identical couple who chooses to live together outside of marriage, even though they have identical incomes? Do Americans feel that it is right that our Tax Code actually provides an incentive to get divorced?

Well, the answer is pretty clear: Of course not. Not only is the marriage tax unfair, it is wrong. It is immoral that our Tax Code actually punishes our society's most basic institution, the institution of marriage.

Mr. Speaker, the Congressional Budget Office last year reported that 21 million married working couples paid on average \$1,400 more in taxes.

Let me share an example. I will take a couple from Joliet, Illinois, a community in the district that I have the privilege of representing. This one gentleman is a machinist at the local Caterpillar manufacturing plant. He makes \$30,500 a year in income, and after taking out the standard exemption that he is able to claim as a single person, he is in the 15 percent tax bracket, which means he is taxed at the 15 percent tax rate. Say he meets a gal and she is a school teacher in the Joliet public schools and she has an identical income of \$30,500. If they choose to get married, their combined income of \$61,000 pushes them into the 28 percent tax bracket, producing the average marriage tax penalty of \$1,400.

In Joliet, Illinois, \$1,400 is a lot of money. Here in Washington, D.C., it is a drop in the bucket. But for this couple, this machinist and public school teacher in Joliet, \$1,400 is one year's

tuition at Joliet Junior College. It is 3 months of day care at a local day care center and several months of car payments and even a significant portion of a down payment on a home.

I mentioned child care and the President talks about increasing the child care tax deduction. So a lot of questions are which is better, eliminating the marriage tax penalty or increasing that child care tax deduction.

I noted earlier that \$1,400 is 3 months' worth of day care at a local day care center in Joliet, Illinois. One of the President's ideas, expansion of the child care tax credit, the average family that will qualify with a combined income of less than \$50,000, they would see \$358 more in net take-home pay. Under the Marriage Tax Elimination Act, they would see \$1,400 more in net take-home pay. And in Joliet, Illinois, \$358 will pay for 3 weeks of day care. Elimination of the marriage penalty for that machinist and that school teacher will pay for 3 months.

So which is better, 3 weeks or 3 months of day care? Clearly, elimination of the marriage tax would be a bigger help to this working family in Joliet, Illinois.

Under the Marriage Tax Elimination Act, we give this machinist and this school teacher the power of choice where rather than filing jointly, which penalizes them with a \$1,400 marriage tax penalty, they can choose to file as two singles. It would be to their financial advantage and they would save that \$1,400 by enjoying the lower tax rate.

What is the bottom line? The bottom line is the Marriage Tax Elimination Act would put a married couple with two incomes on equal footing with the working couple with identical income living together outside of marriage. That is an issue of fairness, and I believe that we should stop punishing marriage.

In 1996, this Republican Congress helped families by providing for an

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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adoption tax credit so that families could better afford to provide a loving home for a child in need of adoption. In 1997, this Republican Congress provided for a \$500-per-child tax credit which would benefit 3 million children in Illinois. \$1.5 billion in higher take-home pay will stay in Illinois to meet the needs of local Illinois families rather than coming here to Washington. We believe that those Illinois families can better spend their hard-earned dollars better at home than we can here in Washington.

Mr. Speaker, this year let us help the American family again by eliminating the marriage tax penalty. Let us allow those 21 million married couples who are currently paying on average \$1,400 more, just because they are married, under our Tax Code to keep that money to meet their own needs. Let us eliminate the marriage tax penalty and let us pass the Marriage Tax Elimination Act and let us do it now.

#### H.R. 2400, SURFACE TRANSPORTATION FUNDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, this afternoon, the Committee on Transportation and Infrastructure will finish its consideration of H.R. 2400, which authorizes surface transportation funding for the next 6 years, better known as BESTEA. This is the most important domestic bill of this Congress and, indeed, well into the next century. It provides for rails, roads and pathways that bind our Nation's cities and regions into one country.

In 1991, ISTEA, the groundbreaking legislation, promoted efficient use of scarce resources by encouraging balanced transportation systems and long-range planning. As a supporter of ISTEA's principles, I have been pleased with the progress of BESTEA through Congress. I want to thank our chairman and ranking members for their terrific work. Thanks to the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Wisconsin (Mr. PETRI) and the gentleman from West Virginia (Mr. RAHALL), H.R. 2400 is proof that in the spirit of bipartisanship, building on sound policy, everyone can win.

BESTEA continues the ISTEA tradition of encouraging real transportation solutions. Our citizens know from experience that an unbalanced, unplanned transportation system can waste millions of their dollars while eliminating their choices and even destroying their communities. ISTEA contained a mix of incentives, instructions and opportunities for citizen participation that helped guarantee that Federal dollars will be spent wisely.

Mr. Speaker, this is a comprehensive bill. Its greatest achievement is in promoting the two pillars of sound transportation: balance and local decision-making. A balanced transportation system is more efficient, cost effective, and it gives people choices about how they get to where they need to go to live, work, and play.

Mr. Speaker, I am particularly pleased that in BESTEA all modes of transportation are supported. BESTEA does great things for bicycling with strong support of the Congressional Bicycle Caucus and a national campaign to promote bikes. It requires increased consideration of safety for cyclists. It adds important provisions to require that bike and pedestrian facilities be considered when new roads are planned, and it increases overall funding for the Enhancements and CMAQ programs, which have been the key to over \$1 billion in cycling facilities.

BESTEA does great things for transit and transit does great things for our communities, returning \$4 in benefits in the environment, social and infrastructure for every dollar that we invest. Millions of us, whether we use transit or not, have reasons to be grateful for the record funding level of \$36 billion over the next 6 years.

BESTEA does great things for rail, one of the most cost-effective ways to move passengers and freight. Rail helps to relieve pressure on our crowded highways and airports, adding capacity at a fraction of the cost.

BESTEA does great things for drivers. These funds are essential for badly needed maintenance and repair of our roads and bridges and to add capacity where it is truly needed. The best thing for motorists is that balancing the transportation system means giving people alternatives which in turn reduces congestion, pollution and even road rage. Even if we do not use the alternatives, the experience for the motorist is improved.

BESTEA also maintains the local decision-making, one of the most important but underappreciated things the Federal Government has done for communities in the last 25 years.

I have to say that one omission does, in fact, concern me. For in 1991, with the passage of ISTEA, Congress required States and larger communities to develop realistic plans that linked transportation and land use. Transportation plans were intended to avoid wasting scarce resources.

Unfortunately, BESTEA takes a step backward by making this planning optional. This means, as a practical matter, some of the States which have the greatest need are less likely to do the integrating planning for the future.

We have been working on improving the planning language for BESTEA for months and this struggle will continue through final passage. We cannot afford to throw money at transportation solutions that will only cause more problems in the long run. Planning does not mean dictating results; it sim-

ply ensures that communities cannot get away with ignoring problems, or worse, shifting them on to their neighbors. These are unarguably Federal priorities.

I think the text that best captures the spirit of the ISTEA reauthorization is to be found in the 58th chapter, 12th verse of Isaiah:

Those from among you.

Shall build the waste places;

You shall rise up the foundations of many generations;

And you shall be called the Repairer of the Breach,

The Restorer of Streets to Dwell In.

I think ISTEA makes progress towards this timeless goal and I, along with the prophet Isaiah, am pleased to support it.

#### HONESTY IS AN ABSOLUTE PRE- REQUISITE FOR PUBLIC SERVICE

The SPEAKER pro tempore (Mr. HEFLEY). Under the Speaker's announced policy of January 21, 1997, the gentleman from Kentucky (Mr. LEWIS) is recognized during morning hour debates for 5 minutes.

□ 1245

Mr. LEWIS of Kentucky. Mr. Speaker, I would like to read a piece from the Washington Times that caught my attention. It reads: "Still amazingly relevant today, New York Gov. Theodore Roosevelt observed on May 12, 1900:

We can afford to differ on the currency, the tariff, and foreign policy; but we cannot afford to differ on the question of honesty if we expect our republic permanently to endure.

Honesty is it not so much a credit as an absolute prerequisite to efficient service to the public. Unless a man is honest, we have no right to keep him in public life. It matters not how brilliant his capacity.

The weakling and the coward cannot be saved by honesty alone. But without honesty, the brave and able man is merely a civic wild beast who should be hunted down by every lover of righteousness.

No man who is corrupt, no man what condones corruption in others can possibly do his duty by the community.

'Liar' is just as ugly a word as 'thief' because it implies the presence of just as ugly a sin in one case as in the other. If a man lies under oath or procures a lie of another under oath, if he perjures himself or suborns perjury, he is guilty under the statute law.

Under the higher law, under the great law of morality and righteousness, he is precisely as guilty if, instead of lying in court, he lies in a newspaper or on the stump; and in all probability, the evil effects of his conduct are more widespread and more pernicious.

#### MORAL DECLINE IN AMERICA

The SPEAKER pro tempore (Mr. HEFLEY). Under the Speaker's announced policy of January 21, 1997, the gentleman from Kansas (Mr. TIAHRT) is recognized during morning hour debates for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I am increasingly concerned about the moral decline we are facing in America. As a society, it seems to be sinking to an

all-time low. Sunday mornings are often reserved for a time for us to exercise our faith, but now it has become the Nation's pastime to defend the undefendable.

Men and women who have proclaimed to care about justice for women in the workplace now defend sexual advances and now defend inappropriate behavior. Most parents want to protect their children. I know I do. I have a 17-year-old daughter and two younger sons, and I want to be able to protect them from any unlawful pressure or from bad behavior that is the lowest and worst in our society.

I am particularly concerned about my daughter, because she will be the first to go out on her own. When she attends a college, I do not want a professor or the president of the college or university groping her to pressure her for sex for performance, for grades. And when she gets her first job, I do not want the CEO or president of the corporation or any of her fellow workers making sexual advances in exchange for promotions.

And for my sons, it is a great compromise to the virtues and values that built this great Nation for us to just let them watch a weeknight evening of television. The language, the violence, the lack of morals, the attacks on the institution of marriage all go against what civil people do when they want to live peaceably together.

Only a few programs, very few programs, restore our faith in hard work, honesty, integrity, respect for each other. But most of television leaves us wanting, wanting for heroes that will bring us to our highest and best.

Yes, our economy is strong. The New York Stock Exchange presses new records almost weekly. Unemployment is low. The welfare rolls are down. More and more people are working and earning more and more money. Our bank accounts seem full, but our hearts and souls are empty.

Well, my colleagues have heard, "You can't legislate morality, so you can't change our society." Well, first of all, that is a false statement. When a 14-year-old boy breaks into a liquor store to rob the store and kills an attendant, that is against the law. It is also against God's law, the Ten Commandments.

But we can do our best as a government to prevent that 14-year-old from making that decision through good education, through encouraging strong families and communities, trying to steer them from a decision that would destruct them for the rest of their lives and harm society. But we as a government cannot change that young boy's heart. And that is really what needs to happen.

To change a young man's heart, we have to go beyond just the laws of the land, and each of us has to take on a responsibility, a responsibility to first live our lives as we would like others to live theirs; second, to build strong families, then strong communities. Be-

cause what happens when that 14-year-old boy makes a decision is, he goes against all those things that built this country as a great Nation: hard work, integrity, virtue, faith in God.

Those are the values and virtues that each of us must turn back to in order to save our society from this downward spiral, in order to inspire us to rise beyond our daily circumstance to our highest and best, not only as individuals, but as a great Nation.

#### HUMAN CLONING LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan (Mr. EHLERS) is recognized during morning hour debates for 5 minutes.

Mr. EHLERS. Mr. Speaker, I rise today to address the subject of cloning.

Last year Ian Wilmut, a scientist in Scotland, announced the cloning of a sheep named Dolly; and at that time I came to the floor and expressed my concern about the possibility of applying that technique to cloning humans. I was certainly in tune with the American people, because it turned out over 90 percent of them object to cloning of human beings, for various reasons.

I am in the unusual situation of being one of the few scientists in the Congress, and as a scientist I understand the vital role that science plays in enhancing the welfare of individuals in society, and I am extremely reluctant to place any limits on scientific research. However, while the possibilities of scientific experiments may seem limitless, there are times when society, through its governmental process, can and should place limits on scientific experimentation.

There are many things which science can do. Most of them should be done. Some should not. And it is up to us to decide which should not.

There are a number of scientific reasons at this point for banning human cloning. It took 277 tries to produce Dolly, and it would take considerably more than a thousand, I believe, to produce a human clone. The dangers associated with that are immense. And in particular, we have to worry about the rights of all those failures which resulted in discards. If we are cloning sheep and things go bad, no one regrets discarding the defective sheep. But if it is a human, we have an entirely different situation.

There are also social and psychological reasons for banning human cloning and, above all, there are moral and ethical reasons for a ban. However, in spite of the national consensus on banning human cloning that I mentioned, the bill that I introduced to do this has come under attack, primarily from those who would benefit in various ways, from allowing the process to go forward. The Biotechnology Industry Organization and the Association for Reproductive Medicine clearly have a vested interest in this.

Let me point out some of the scare tactics that have been used. The following was distributed in a letter to all Members of the House of Representatives, from the Biotechnology Industry Organization, better known as BIO. They state, just to select one phrase, "We urge you to use caution before deciding to cosponsor or support hastily drafted legislation which would not only ban human cloning, but would inadvertently shut down biomedical research by outlawing basic laboratory techniques used for decades."

There are several things wrong with that statement. First of all, they say the legislation is hastily drafted. That seems to be a phrase people always use when they do not like legislation. The bill under discussion in the Committee on Commerce has survived several hearings over several months in the Committee on Science. It has been deliberated and modified by the Committee on Science and is certainly not hastily drafted. I think it is a good bill.

Secondly, they say it will inadvertently shut down biomedical research. That is absurd, absolutely absurd. The bill that I have introduced would not shut down biomedical research. The letter says it would do that by outlawing basic laboratory techniques used for decades. I would like the industry to show me one such technique used for decades which my bill would shut down.

It is time for the facts to get out. It is time for the Members of the House to get the facts and to pay attention to it and not be guided by alarmist information distributed by organizations that have a vested financial interest in preventing my bill from passing.

If we look at the bill that came out of the Committee on Science, which is now before the Committee on Commerce, and a companion bill which will be modified similar to this, we were very careful. We do not ban human cloning, first of all, because "cloning" is not a precise term. We defined it in terms of prohibiting human somatic cell nuclear transfer. Now, that is a very technical definition, but very narrow and very precise.

Secondly, we specifically outline what is permitted, because I did not just want to ban human cloning and leave things up in the air; I wanted to be very specific about what was permitted. And this bill makes it clear that somatic cell nuclear transfer or other cloning technologies can be used to clone molecules, to clone DNA, clone cells other than human embryo cells or tissues, to clone animals; and I plan to expand that to include cloning plants as well.

We are working very hard to come up with a good bill that is fair and equitable and that will allow legitimate research to go forward but will ban the cloning of human beings in any form and at any stage of life. I would appreciate the support of my colleagues.

## 2000 CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from New York (Mrs. MALONEY) is recognized during morning hour debates for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, we have a serious problem in America today that might seem somewhat paranormal. It might be something we would see on "Ripley's Believe it or Not" or maybe "The X Files." Ten million Americans have become invisible. And even more will disappear if this Congress fails to act.

I am talking about the 1990 census. That is when ten million people were not counted, they were simply overlooked. It was as if the population of Michigan or Ohio simply fell off the map. Many of those who were missed are people who most need the things that being counted in the census brings, representation in government and inclusion in government's Federal funding formulas. The 1990 census was the first to be worse than the census before it, and the difference between the undercount for whites and minorities was the worst ever recorded.

About 4½ percent of all African Americans were missed, as were 1 in 20 Latinos, 1 in 14 children, and 1 in 10 black males. But the problem does not end with the undercount. In 1990, over 6 million people were counted more than once and most of them were white. That makes the undercount even more unfair to minorities and poor people, because not only are they missed, but their proportional representation, the basis for House seats and Federal dollars, is further diminished by double-counting.

The 1990 census cost 20 percent more than the 1980 census and was 33 percent less accurate. In fact, unless we make some fundamental changes, there is every reason to believe that the 2000 census will cost even more and be less accurate.

As we enter a new millennium, our Nation needs an accurate census that includes everybody. We cannot be satisfied with the census that continues to miss millions of people. But that is exactly what will happen 2 years from now unless we use the best knowledge and technology available to fix the problems of the past.

There is some good news. Some people have been thinking about this problem already. In 1992, a bipartisan coalition of representatives pushed legislation to ask the National Academy of Sciences to review the census. They chose the National Academy of Sciences because the Academy is fair and independent of political influence.

Using the recommendations from that independent review, the Census Bureau has developed a comprehensive plan for the 2000 census that will produce the most accurate census in our Nation's history. It includes using the latest technology, shorter forms, more ways to respond, a paid advertis-

ing campaign, better address lists, and closer partnerships with both local governments and community-based organizations.

□ 1300

All of these things will improve the response rate and improve accuracy while containing costs. After extensive efforts to count absolutely everybody, the plan for the 2000 census calls for the application of basic statistical methods to establish the number and characteristics of the people who still do not respond based on those who do.

Congress recently approved a test of these methods in 2 of the 3 dress rehearsals for the census that starts this spring. Under the Census Bureau plan, everybody counts. All Americans will be included in the census. But the bureau faces one obstacle, and that is this Congress. Those who oppose the Census Bureau's plan for the 2000 census say they are willing to spend whatever it takes to count everybody the old way. But everybody knows that no matter how much you spend, the old ways will not count everyone.

Dr. Barbara Bryant stepped into the breach for President Bush to direct the 1990 census. The Republican appointee knew all too well the problems with the plans for 1990. But she was brought on board just 4 months before it was to begin. It takes 24 hours to turn around an aircraft carrier. Four months was hardly enough time to stop the momentum of an operation as massive as the census. Recently Dr. Bryant wrote, and I quote,

Throwing more money and more temporarily hired census takers at the job of enumeration will not find the missing.

She echoes what everybody knows. The old methods are as worn out as the arguments that keep them.

One of those arguments being used by the House Leadership is that we are under a Constitutional mandate to physically count everyone, nose by nose.

That is an impossibility, and it gives the illusion that the census can reach everyone directly, which it cannot and does not. However, it can reach many people directly. And it will—because the current plan calls for the Census Bureau to make an unprecedented effort to count most Americans directly, either through the mail, by telephone, or by going door-to-door to find those people who don't respond.

This is not a "sample census" of "virtual Americans" as some have claimed. In fact, it is the most extensive effort to count everyone in the history of the census.

Every household will receive 4 mailings between the middle of March and the middle of April.

Questionnaires will be available in public places such as libraries, post offices, and churches.

People can even call in their responses by telephone.

The plans for the 2000 census are on solid legal ground, despite the rhetoric.

The Department of Justice under the Carter, Bush, and Clinton administrations has consistently ruled that the Constitution doesn't bar sampling or statistical methods to improve a good faith effort to count everyone directly.

We can listen to the experts to get the best count possible. Or we can let politics rule the day, and end up with a census that costs too much and misses millions of Americans.

We must put an end to the injustice census.

## SOCIAL SECURITY

The SPEAKER pro tempore (Mr. HEFLEY). Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I would like to spend a couple of minutes talking about the future of Social Security. Last Saturday there was a National town hall type discussion among citizens in 10 cities of the country linked by interactive television. The purpose was to discuss the problems of Social Security, and possible solutions. I compliment the Pew Foundation for starting this kind of discussion that I think is so vital in deciding how we make Social Security more secure. The first step is to understand what the problems are and understand the seriousness of the problems in terms of keeping Social Security solvent.

I was asked to participate with President Clinton, with both of us making statements and listening to suggestions. Speaking at Cobo Hall in Detroit I said there were certain guidelines that need to be adhered to as we move ahead on solving Social Security. Number one, that it be bipartisan; number two, that we need to keep all solutions on the table in our discussions over the next several months in looking at the best possible ways to keep Social Security solvent; number three, that we do not reduce the benefits for existing retirees or near-term retirees; number four, that we have a system where our kids and our grandkids, and their children can have retirement incomes that will last them through their expected longer life span, and; number five, that we stop government using Social Security Trust Fund money in exchange for non marketable I.O.U.s. Finally, that we have a system that is not going to be privatized, but rather a system that allows forced saving and investment in retirement accounts owned by the worker.

Let me very briefly describe some of the problems in Social Security. Right now, because it is a pay-as-you-go program, where existing taxpayers pay in their Social Security tax and immediately that tax is used to pay out benefits, to existing retirees. It is sort of a pay-as-you-go system, in effect a Ponzi scheme. When we started this program in 1935, it was easy to keep the system going because actually at that time the average age of death at birth was 61 years old. That means most people never reached the age where they would draw any benefits. They would give up what money they and their employers had put into the system. Over the years since 1935, every time there

was a little more money coming in than was necessary to pay out benefits, politicians in this city made popular decisions to expand the benefits. Every time there was less tax money coming in than required to pay out those expanded benefits, Congress and the President would increase the Social Security tax on working Americans. Actually since 1971, Social Security, taxes on these working Americans, has been increased 36 times. More often than once a year since 1971 we have increased the rate or the base on the Social Security taxes. We started out taxing 1.5 percent on the first \$3,500. Now it is 12.4 percent on the first \$68,000.

I would like to suggest as I conclude this, Mr. Speaker, that Social Security in its current configuration is not a good investment. The National Tax Foundation estimates that anybody that retires after the year 2000 will receive back between a negative ½ percent and a negative 1½ percent on the money they and their employers put into Social Security. So if you could take some of this money and allow as an option some of the younger workers to invest in any return that is going to be greater than that kind of negative return in Social Security, then we are much better off.

I suggest, Mr. Speaker, that it is so vitally important to preserve Social Security that we forget the rhetoric and get down to business. We get down to the nitty-gritty of the alternatives of how we are going to make it work. I mentioned when we started the program in 1935 the average age of death was 61. Today the average age of death at birth is 74 years old for a male, 76 years old for a female. But if you are lucky enough to reach the retirement age, then on the average you are going to live another 20 years. There are fewer and fewer workers supporting more and more retirees. Hopefully voters, Mr. Speaker, will demand of the people running for office this fall that they have suggestions on how to proceed with this very serious problem of keeping Social Security solvent.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 7 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 2 p.m.

#### PRAYER

Bishop Eddie L. Long, Senior Pastor, New Birth Missionary Baptist Church, Decatur, Georgia, offered the following prayer:

Let us pray. Father, in the name of Jesus, we come before You and claim Your promise in 2 Chronicles 7:14. "If My people, who are called by My name shall humble themselves, pray, seek, crave, and require of necessity My face and turn from their wicked ways, then I will hear from heaven, forgive their sins, and heal their land."

We as a Nation stated in our Declaration of Independence through our Founding Fathers, "We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator, with certain unalienable rights. . . ."

Lord, the fact that our Founding Fathers declared that nothing we do, or will do, as leaders and citizens of this Nation is legal without God being the foundation of this government is significant. We must turn and legitimize ourselves through repentance so that this Nation can be led into spiritual and earthly clarity as to why it was created. We understand that when You, as Creator and the Founding Father in creation, created fish, You called them from water, yet, in order for them to live, they have to stay connected to the water. When You called trees and vegetation, You called it from the ground. And in order for that to live, it had to stay connected to the earth. When You created us, You called us out of You, and we must stay connected to You that we might have life.

Therefore, God, allow us, along with all creation, to reconnect ourselves into Your Divine, harmonious flow of life, that we would hear from heaven, and our land would be healed. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SHIMKUS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHIMKUS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Georgia (Ms. MCKINNEY) come forward and lead the House in the Pledge of Allegiance.

Ms. MCKINNEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 740

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 740.

The SPEAKER pro tempore. Is there objection to the gentleman from Illinois?

There was no objection.

#### APPOINTMENT TO NATIONAL SUMMIT ON RETIREMENT SAVINGS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 517(e)(3) of the Employee Retirement Income Security Act, the Chair announces the Speaker's appointment of the following participant on the part of the House to the National Summit on Retirement Savings to fill the existing vacancy thereon:

Mr. Jack Ulrich from Pennsylvania.

There was no objection.

#### DRUGS ARE A GROWING NATIONAL CRISIS FOR OUR CHILDREN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, few in this body would argue that a more worthy cause for Federal funds exists than the fight to keep our Nation's children off of drugs. However, a six-year professional study released yesterday reveals that we are not winning the war on juvenile drug use.

In fact, a dozen other recent studies have all come to the very same conclusion, that, overall, America's efforts just do not deliver on its promise to teach kids to resist drugs.

According to this latest study, last year alone, hundreds of millions of dollars were spent on "feel-good" programs that have apparently had little or no effect on our kids.

Mr. Speaker, this is a growing national crisis that is too important to ignore, too important for our children's future, and too important for us to fail.

Mr. Speaker, this is not about laying blame or pointing fingers, it is about correcting mistakes. The young people in this country are our future, and it is our duty to see that they grow up in a world free of the scourge of drugs.

#### BORIS YELTSIN NEEDS COUNSELING, NOT MONITORING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1993, Boris Yeltsin fell off a stage in Germany. In 1994, Boris could not get off his plane in Ireland. In 1996, Boris came up missing for 7 consecutive days, unexplained, before an election. In 1997, he forgot about a meeting with Vice President AL GORE. Yesterday, he fired his entire cabinet. The White House says they are monitoring it.

Mr. Speaker, is Boris Yeltsin a victim of El Nino, too? Let us tell it like it is. This guy is not exactly the head of Kiwanis International. Boris Yeltsin has his shaky little finger on the button of one of the world's most massive nuclear arsenals.

I say monitor this, Boris Yeltsin does not need monitors. Boris Yeltsin needs Alcoholics Anonymous. I say let us save our foreign aid and let us send some counselors over to take care of this guy. I yield back 1 day at a time the balance my time.

#### THE OVRETTE PROGRAM IN HONDURAS: A VIOLATION OF HUMAN RIGHTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to share another tragic story of human rights violations abroad, this time in the country of Honduras.

For more than 34 years and with millions of dollars, women of Honduras have been victims of an overzealous population control movement. They have been subjected to sterilizations and mass contraceptive pill distribution without caution or required exams or information, funded entirely by U.S. taxpayers.

Mr. Speaker, now we find that these Honduran women have been the subjects of a human experiment, this time with the Ovrette contraceptive pill, which has been used without any information about its potential side effects to the women taking the pill.

Instead of warning women that the effects of the pill were undetermined and that it should not be taken while breast-feeding, the USAID-led effort chose to strongly push the use of the pill among the women. At the same time, the government decided to monitor unsuspecting women to see what the effects of Ovrette might be.

To make matters worse, while this was going on, Ovrette was not even registered with the proper authorities, as is the law.

Mr. Speaker, this would not take place in America. It should stop in Honduras.

#### THE MORAL DEFICIT

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, in 1993 when I decided to run for

Congress, there were many reasons why I felt I should get involved in the political campaign. One of the main reasons was my concern over the national debt and deficit spending. My wife and I did not want to see our two children faced with a mountain of debt that would eventually destroy their future.

Now, just 5 years later, it is with a lot of relief and thankfulness that Congress has been able to balance the Federal budget. But today we are faced with a problem that is even greater and more destructive than runaway debt.

My children and the children of this Nation are faced with a society that is experiencing a moral deficit. Eighty-four percent of the American people say their biggest concern is the decline in the traditional moral values.

Mr. Speaker, if we give our children the richest economy in the world but a society that is morally bankrupt, what have we gained? Some would say, but it is the economy, stupid. But I disagree, because good economies come and go, but for a Nation to survive as history has proven over and over again, patriotism, courage, fidelity, honesty, and public and personal character must be the foundation on which it stands.

#### ELIMINATE THE MARRIAGE PENALTY TAX

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, since 1969, the Federal tax code has penalized 21 million couples annually, not for getting divorced, not for having children out of wedlock, not for shacking up, but for getting married.

When a couple gets married, they are taxed at a higher rate than if they were still single or divorced. The marriage penalty for the average couple is \$1,400. Now this may not seem like much to some, but with an additional \$1,400, an average couple could pay the electric bill for 9 months, pay for 3 or 4 months of day care, pay for a 5-day vacation at Disneyland, pay four or five payments on their minivan, eat out 35 times, purchase 1,053 gallons of gas, and purchase 1,228 loaves of bread.

It is immoral that our tax code discriminates against marriage. We have a tax code that discourages marriage and encourages divorce. Reforming a tax code will restore equity by ensuring that working couples are treated no differently when they get married than they were before.

#### THE JASON PROJECT

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I stand here before you recognizing that at last night's Oscars the Titanic swept away with 11 awards. It is a fitting occurrence because this is the

year of the oceans. Right now, something more exciting is happening across this country and around the world than anything that was ever put on the big screen. That is what is going on in our classrooms around the United States called the Jason project.

It was started by the man, Bob Ballard, who found the Titanic. He has dedicated his services to science and to education where children at this moment are speaking to scientists that are on the floor of the ocean live. Those scientists are in California and Bermuda, and they are talking back and forth, and students interact with it.

So in this year, the International Year of the Oceans, we have to celebrate that. We also celebrate it, because it is our own money that Congress has put into NOAA and put into the Navy that has helped sponsor this project.

This show goes on all week. And if you are here in the Nation's capital, visit the National Geographic, where the show is live right now. So the Year of the Oceans is get into it. Get into it.

#### THE OVERWHELMING TAX BURDEN

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, we are now just 22 days away from April 15, tax day. As this dreaded day approaches, now, more than ever, Americans are struggling with an unbelievable tax burden.

On top of their already busy daily routine, the citizens of this Nation are having to file through the 8 billion pages of forms and instructions that the IRS sends out each year. Laid end to end, these forms would stretch 28 times around the Earth.

It is past time to reduce this tremendous burden. The American people want, need, and deserve tax relief. I hope that people throughout this Nation will contact their Representatives and encourage them to begin a national debate on how best to create a fairer, simpler tax system for the American people.

#### LIBERALS VERSUS CONSERVATIVES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I often hear from liberals that the labels "liberal" and "conservative" do not mean much anymore. I think that is total nonsense.

One way to distinguish between liberals and conservatives is to look at how a liberal views taxes versus how a conservative does.

A liberal will do everything in his power to make it difficult for others to become rich. A conservative will do everything in his power to help others become rich.

A liberal will vilify the rich. A conservative recognizes the benefits to society that the rich provide and the benefits of having a society where people strive to become rich.

A liberal believes, apparently, that the rich acquire their wealth at the expense of the poor. A conservative knows that Bill Gates and Michael Jordan achieve riches because they produce things that other people value.

Our choice is to put obstacles in the way of those striving to become rich, or take away people's incentive to pursue that same course.

For this American holder of public office who is proud to call himself a conservative, it is not a difficult choice.

#### SMALL BUSINESS PAPERWORK REDUCTION ACT

(Mrs. LINDA SMITH of Washington asked and was given permission to address the House for 1 minute.)

Mrs. LINDA SMITH of Washington. Mr. Speaker, I am often asked what is the great secret in Washington State's success. Yes, we have beautiful natural wonders and thriving high-tech industries, and we are a great place to come and visit. Well, I want to tell my colleagues, even though we are beautiful in Washington State, it is really the people.

Today, I want to tell my colleagues about the people in Washington State and what makes our thriving economy grow: small business owners. Mr. Speaker, 63 percent of all businesses in Washington are operated by sole proprietors and 97 percent have less than 100 employees. These men and women provide nearly 60 percent of all jobs in the State, and lead the way in new job creation. They are the leaders in our community.

However, each year, massive amounts of paperwork are stifling their potential, job growth and productivity. For firms with fewer than 20 employees, these firms are paying \$2,000 per year per employee that could go into salaries, jobs and others new sources of income for the communities.

Today, I am proud to cosponsor the Small Business Paperwork Reduction Act, H.R. 3310, and I will be proud to vote for it this afternoon.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

#### TRAFFIC STOPS STATISTICS STUDY ACT OF 1998

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 118) to provide for the collection of data on traffic stops, as amended.

The Clerk read as follows:

H.R. 118

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Traffic Stops Statistics Study Act of 1998".*

##### SEC. 2. ATTORNEY GENERAL TO COLLECT.

*The Attorney General shall conduct a study of stops for routine traffic violations by law enforcement officers. Such study shall include collection and analysis of appropriate available data. The study shall include consideration of the following factors, among others:*

- (1) The number of individuals stopped for routine traffic violations.*
- (2) Identifying characteristics of the individual stopped, including the race and or ethnicity as well as the approximate age of that individual.*
- (3) The traffic infraction alleged to have been committed that led to the stop.*
- (4) Whether a search was instituted as a result of the stop.*
- (5) How the search was instituted.*
- (6) The rationale for the search.*
- (7) Whether any contraband was discovered in the course of the search.*
- (8) The nature of such contraband.*
- (9) Whether any warning or citation was issued as a result of the stop.*
- (10) Whether an arrest was made as a result of either the stop or the search.*
- (11) The benefit of traffic stops with regard to the interdiction of drugs and the proceeds of drug trafficking, including the approximate quantity of drugs and value of drug proceeds seized on an annual basis as a result of routine traffic stops.*

##### SEC. 3. LIMITATION ON USE OF DATA.

*Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of any individual who is stopped or any law enforcement officer. Data acquired under this section shall not be used in any legal or administrative proceeding to establish an inference of discrimination on the basis of particular identifying characteristics.*

##### SEC. 4. RESULTS OF STUDY.

*Not later than 2 years after the date of the enactment of this Act, the Attorney General shall report the results of the study conducted under this Act to Congress.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 118, the Traffic Stops Statistics Act of 1997, was introduced by the ranking minority member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS). This bill has bipartisan support and the support of the Department of Justice. H.R. 118 will authorize the Attorney General to conduct a study of the reasons why police make routine traffic stops.

Racial profiling is a law enforcement method that uses race, age, dress, vehi-

cle type, and other factors to identify people who police believe are more likely to be involved in crimes.

Profiling is often used to stop those suspected of crimes without any indication of criminal activity. However, there is a growing number of reported incidents and allegations that black American males are being stopped for no reason. They are merely stopped, not given tickets, not given citations.

The fourth amendment provides, "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated." Traffic stops based solely on race are wrong and must not be tolerated.

The study will provide for the collection of data that will help determine whether police are using race as the predominant reason to stop motorists of color. The study will include consideration of such factors as the race and age of the individual stopped; the traffic infraction alleged to have been committed that led to the stop, if any; whether a search was instituted; the rationale for the search; whether contraband was discovered during the search; whether any warning or citation was issued as a result of the stop; and whether an arrest was made as a result of the stop or search.

The study will also report on the beneficial efforts of law enforcement departments to fight the war on drugs by recording the approximate quantity of the drugs and the value of drug proceeds seized on an annual basis as a result of traffic stops. The Department of Justice will submit the results of the 2-year study to Congress.

Mr. Speaker, this is a good bill, and I am pleased to support it.

Mr. Speaker, I reserve the balance of my time.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to endorse the remarks made by the gentleman from Illinois (Mr. HYDE), the Chairman of the Committee on the Judiciary, about the Traffic Stops Statistics Study Act. I am deeply indebted to him for moving this bill from the committee to the full House.

This is an offense and an activity that is very familiar to many people. It is something that has happened to more African Americans, particularly males, than I would care to admit today on the floor of the House of Representatives. There are very few of us in this country who have not been stopped at one time for an alleged traffic violation that we constituted really simple racial harassment.

Mr. Speaker, I say this as a friend of law enforcement, as one who has always received the support and has worked closely with police organizations across the country for many years. Law enforcement officers may admit to isolated instances of racially



targeted police stops, but very few will concede that this harassment is routine, that it happens literally everywhere; and it is to this complaint that this study, this examination of this peculiar kind of incident in law enforcement, is directed.

There have been limited studies that have occurred which have found that as many as 72 percent of all routine traffic stops occur with African-American drivers in a population that we all know is not over 15 percent. The coincidence need not to be confirmed.

In the Ninth Circuit Court of Appeals, we had a case in which the court itself, in 1993, came to a conclusion that we think will be supported by the study that is proposed in the bill before us. That was the case of a police officer from Santa Monica who was found to have violated the rights of 2 African-American men that he stopped and subsequently arrested at gunpoint. The case is cited here because it was an example of how police routinely violate the constitutional rights of others by stopping them without just cause. There must be a cause to stop someone. It cannot be subjective; it cannot be racially motivated. There has to be a reason.

Now, for those who might say, well, why do we not just go to court and let the lawsuits flow, the lawsuits cannot solve this problem. First of all, the individual costs that must be borne by plaintiffs would, in most cases, be more than they could bear; and it would also take considerable amounts of time.

Last year, in November, the American Civil Liberties Union sought a fine for contempt of court against the State police near us, the Maryland State police, arguing that police were still conducting a disproportionate number of searches of cars driven by African Americans 2 years after they had agreed to stop that practice as a result of a 1992 lawsuit. In other words, they were violating the agreement.

The State police statistics show that 73 percent of the cars stopped and searched on interstate I-95 a few blocks from here, between Baltimore and Delaware, since January of 1995, were conducted on the cars of African Americans, despite the fact that only 14 percent of those driving along that part of the freeway were African Americans. Moreover, there was nothing found in 70 percent of those searches.

Mr. Speaker, this and other evidence suggests that African Americans are routinely being stopped by law enforcement simply because of the color of their skin, and it is precisely this sort of unfair treatment that leads many people to distrust the criminal justice system. If we expect everyone to abide by the rules, and we do, we must ensure that those rules are applied equally to everybody, and they are frequently not.

In many ways, this sort of harassment is even more serious than police brutality itself. Not to minimize police brutality, but these are insidious ways

of antagonizing people, and this treatment must be examined.

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The measure before us today will not stop or punish the treatment, it will investigate as to whether it in fact goes on in the proportions that our hearings suggest that it does.

Unlike police brutality, which frequently comes to light, these punishments are like knife cuts. They are not reported. There is nothing done with them. They are wounds to the psyche that spread, they never heal, and they are painful to those that sustain them.

So what we are saying is that this is not an anti-police piece of legislation, it is a piece of legislation to determine whether a practice that we have long suspected is still in fact going on. As we know here in this Chamber, the Supreme Court has expanded police powers by holding that an individual need not be informed that they have a right not to consent to a search of their vehicles.

There is a bit of flux in the law on this subject. So this measure, that authorizes the Attorney General to conduct a study regarding the race and alleged infractions of drivers stopped by the police, is designed to provide us with specific information regarding the extent of the problem, and will provide information as to the rationale for any search made subsequent to a traffic stop, and of course, any contraband recovered in that search.

Through this study, I hope we will increase police awareness of the problem involved of some few police officers targeting minorities routinely for car searches when there is, indeed, no justification. Perhaps we can discover the extent of the problem, and hopefully reduce the number of discriminatory, inappropriate traffic stops by police officers made based on the color of the skin of the motorist.

Because the study proposed by this legislation presents a reasonable way of dealing with an issue I have been hearing complaints about throughout my service in the Congress, I deeply appreciate my colleagues on the Committee on the Judiciary and our chairman for bringing this measure to the floor, and I urge that we support the bill.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding time to me. I thank the gentleman for his leadership on this bill.

Mr. Speaker, I do appreciate the gentleman from Illinois (Mr. HYDE) for the expeditious manner in which this legislation came to the floor, and the gentleman from Florida (Mr. CANADY) as well for consenting and working with the ranking member in realizing the importance of the information that we are trying to secure.

I would like to emphasize one or two or three or four different points on this issue.

One, let me say, we do not come to the floor of the House to personalize our presentations, but as the mother of a young black boy, and as someone who relates constantly to young African American teenagers, along with other ethnic groups in my community, this is an issue that has long confronted us, and one that we have, in some instances, accepted and suffered in silence.

For every young child is taught to respect the blue and white, or the men and women in blue, of the law enforcement officer of your community. We as parents still do that. But the tragedy of teaching them that kind of respect sometimes befalls them in a negative way.

It is not infrequently that I talk to parents of minority children who are fearful of having them drive throughout their community or be in neighborhoods where they might be suspected of acting illegally, albeit they are there for legitimate and legal reasons.

Just recently I had a family tell me that after they moved into a very prominent neighborhood, and their young male African American son was going home to his home, that about 10 or so police cars ran up into the driveway to begin to shine flashlights in his face and wonder why he was sticking a key in the front door. Though this is not a traffic stop, these are incidents that occur on a regular basis. So this study is in fact needed.

I am delighted that the Attorney General will not isolate the study but will study the Nation, for it will respect and respond to the issues dealing with race and ethnicity, particularly in groups of Asians, African Americans, and Hispanics, those who are traveling in modern cars and those whose cars may not look too recent.

It is important to find out whether the traffic infraction alleged to have been committed was committed and what was it that led to a stop; whether a search was instituted as a result of the stop; how the search was instituted; the rationale for the search; whether any warning or citation was issued as a result of the stop; and whether an arrest was made as a result of either the stop or the search.

It is important to emphasize again that although African Americans make up between 12 and 14 percent, they make up 72 percent of all routine traffic stops. This study will help us determine what occurs in the Asian community, or what occurs to the new immigrants in the Vietnamese community, what occurs in the Hispanic community, in all parts of our country.

Just a few doors away from this House we can find examples of mistreatment of those who are African American and minorities. Robert Wilkins is a Harvard Law School graduate, a public defender here in the District of Columbia. Mr. Wilkins is also an African American.



In May, 1992, Mr. Wilkins went to a family funeral with his aunt, uncle, and cousin. A State trooper stopped Mr. Wilkins for doing 60 miles per hour on the interstate, well under the speed limit, and based upon this grave crime, ordered all the family members out of the car so he could search for drugs. In this time of grief and tragedy, they had to be disturbed with this kind of treatment. Of course, no drugs were found.

The State trooper in the case claimed the rented Cadillac the family was driving made him think them suspicious, as well as the fact that Mr. Wilkins appeared nervous when stopped. Are we to believe that being nervous when pulled over by a State trooper is cause to suspect that a respected attorney returning from a family funeral is a drug trafficker? Are we to believe that the race of the Wilkins family was not the reason that he and his family were ordered out of their vehicle on a busy highway?

Under the Fourth Amendment, a law enforcement official must have reasonable grounds to suspect illegal activity before searching a car during a routine traffic stop. The dislike or suspicion of a person's race does not constitute reasonable grounds.

Again, reemphasizing the point made by the gentleman from Michigan (Mr. CONYERS), how interesting it is that even after getting an agreement through the ACLU, we find some 2 years later that these stoppings of individuals of African American heritage are still occurring.

In fact, despite the agreement that was gotten by the ACLU, we find that State police statistics show that 73 percent of cars stopped and searched on I-95 between Baltimore and Delaware since 1995 were those of African Americans, again, despite the fact that only 14 percent of those driving along that stretch were African Americans.

This is a piece of legislation that is long overdue, and its emphasis should not detract from the fact that its importance is the right of the protection of the Constitution and the Bill of Rights. It is the protection of those constitutional provisions that will apply to all citizens.

We are long overdue in trying to find out why we have this kind of disparate treatment, why many of us as parents of African American children are fearful of sending our young people out on the freeways and highways of America. If this is to be a country for all people, then the laws must treat everyone fairly. I appreciate very much the efforts of the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. HYDE) for this legislation.

Mr. Speaker, I rise today in strong support of Congressman CONYER'S H.R. 118, the "Traffic Stops Statistics Act of 1997." This legislation is an important step towards addressing the discrimination faced by minorities on our nation's roadways.

The Traffic Stops Statistics Act authorizes the Attorney General to conduct a study of stops for routine traffic violations by law en-

forcement officers. The study is to include consideration of such factors as: (1) the race and ethnicity of the individual stopped; (2) the traffic infraction alleged to have been committed that led to the stop; (3) whether a search was instituted as a result of the stop; (4) how the search was instituted; (5) the rationale for the search; (6) whether any warning or citation was issued as a result of the stop; and (7) whether an arrest was made as a result of either the stop or the search.

The need for such a study becomes readily apparent when we review the few, limited studies already conducted in this area. Those studies reveal that although African Americans make up only 14 percent of the population, they account for 72 percent of all routine traffic stops. To make matters worse, far more blacks stopped for traffic violations are subject to car searches than comparable whites. The numbers are so out of line that coincidence is impossible.

For an example of the arbitrary and discriminatory treatment of African Americans on our nation's roadways, we need not look far beyond the Beltway. Robert Wilkins is a Harvard Law School graduate—a public defender here in the District of Columbia. Mr. Wilkins is also African-American. In May 1992, Mr. Wilkins went to a family funeral with his aunt, uncle, and cousin. A state trooper stopped Mr. Wilkins for doing 60 miles per hour on the interstate, and based upon this grave crime ordered all the family members out of the car so he could search for drugs. Of course, no drugs were found. The state trooper in this case claimed the rented Cadillac the family was driving made him suspicious, as did the fact that Mr. Wilkins appeared nervous when stopped. Are we to believe that being nervous when pulled over by a state trooper is cause to suspect that a respected attorney returning from a family funeral is a drug trafficker? Are we to believe that the race of the Wilkins family was not the reason he and his family were ordered out of their vehicle on a busy highway? Under the Fourth Amendment, a law enforcement official must have reasonable grounds to suspect illegal activity before searching a car during a routine traffic stop. The dislike or suspicion of a person's race does not constitute reasonable grounds.

In November 1996, the ACLU sought a fine for contempt of court against the Maryland State Police, arguing that police were still conducting a disproportionate number of drug searches of cars driven by African Americans almost two years after agreeing to remedy these practices as a result of a 1992 lawsuit. Despite the agreement, state police statistics show that 73 percent of cars stopped and searched on I-95 between Baltimore and Delaware since January, 1995 were those of African Americans, despite the fact that only 14 percent of persons driving on that stretch of road were black. Police found absolutely nothing in 70 percent of those searches.

The Traffic Stops Statistics Act study will discourage law enforcement officers from such discriminatory treatment of minorities by discouraging the use of race as the primary factor in making determinations as to whether or not to institute a car search. It will also provide statistical data as to the nature and extent of the problem of African Americans being targeted for traffic stops.

I want to commend Mr. CONYERS and his staff for their determination and tireless work

in bringing this legislation before us today. I urge my colleagues to cast a vote today for fairness and justice and to vote in support of H.R. 118, the "Traffic Stops Statistics Act."

Mr. Speaker, I ask my colleagues to vote for this legislation.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

#### GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 118, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3211) to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3211

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Arlington National Cemetery Burial Eligibility Act".

#### SEC. 2. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

#### "§2412. Arlington National Cemetery: persons eligible for burial

"(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1) Any member of the Armed Forces who dies while on active duty.

"(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10.

"(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

"(A) served on active duty; and

"(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

"(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

"(A) Medal of Honor.

"(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

"(C) Distinguished Service Medal.

"(D) Silver Star.

"(E) Purple Heart.

"(5) Any former prisoner of war who dies on or after November 30, 1993.

"(6) The President or any former President.

"(b) ELIGIBILITY OF FAMILY MEMBERS.—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

"(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

"(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

"(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

"(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

"(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

"(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

"(c) SPOUSES.—For purposes of subsection (b)(1), a surviving spouse of a person whose remains are buried in Arlington National Cemetery by reason of eligibility under subsection (a), who has remarried is eligible for burial in the same gravesite of that person. The spouse of the surviving spouse is not eligible for burial in such gravesite.

"(d) DISABLED ADULT UNMARRIED CHILD.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (b) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

"(e) FAMILY MEMBERS OF PERSONS BURIED IN A GROUP GRAVESITE.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

"(f) EXCLUSIVE AUTHORITY FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.—Eligibility

for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

"(g) APPLICATION FOR BURIAL.—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army or any other responsible official.

"(h) REGISTER OF BURIED INDIVIDUALS.—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

"(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

"(i) DEFINITIONS.—For purposes of this section:

"(1) The term 'retired member of the Armed Forces' means—

"(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

"(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

"(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10, of eligibility for retired pay under chapter 1223 of title 10.

"(2) The term 'former member of the Armed Forces' includes a person whose service is considered active duty service pursuant to a determination of the Secretary of Defense under section 401 of Public Law 95-202 (38 U.S.C. 106 note).

"(3) The term 'Superintendent' means the Superintendent of Arlington National Cemetery."

"(b) PUBLICATION OF UPDATED PAMPHLET.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

"(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding at the end the following new item:

"2412. Arlington National Cemetery: persons eligible for burial."

"(d) TECHNICAL AMENDMENTS.—Section 2402(7) of title 38, United States Code, is amended—

(1) by inserting "(or but for age would have been entitled)" after "was entitled";

(2) by striking out "chapter 67" and inserting in lieu thereof "chapter 1223"; and

(3) by striking out "or would have been entitled to" and all that follows and inserting in lieu thereof a period.

"(e) EFFECTIVE DATE.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

### SEC. 3. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(a) of this Act, the following new section:

#### "§2413. Arlington National Cemetery: persons eligible for placement in columbarium

"(a) ELIGIBILITY.—The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

"(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

"(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

"(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.

"(b) SPOUSE.—Section 2412(c) of this title shall apply to a spouse under this section in the same manner as it applies to a spouse under section 2412."

"(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(c) of this Act, the following new item:

"2413. Arlington National Cemetery: persons eligible for placement in columbarium."

"(c) EFFECTIVE DATE.—Section 2413 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

### SEC. 4. MONUMENTS IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(a) of this Act, the following new section:

#### "§2414. Arlington National Cemetery: authorized headstones, markers, and monuments

"(a) GRAVESITE MARKERS PROVIDED BY THE SECRETARY.—A gravesite in Arlington National Cemetery shall be appropriately marked in accordance with section 2404 of this title.

"(b) GRAVESITE MARKERS PROVIDED AT PRIVATE EXPENSE.—(1) The Secretary of the Army shall prescribe regulations for the provision of headstones or markers to mark a gravesite at private expense in lieu of headstones and markers provided by the Secretary of Veterans Affairs in Arlington National Cemetery.

"(2) Such regulations shall ensure that—

"(A) such headstones or markers are of simple design, dignified, and appropriate to a military cemetery;

"(B) the person providing such headstone or marker provides for the future maintenance of the headstone or marker in the event repairs are necessary;

"(C) the Secretary of the Army shall not be liable for maintenance of or damage to the headstone or marker;

"(D) such headstones or markers are aesthetically compatible with Arlington National Cemetery; and

"(E) such headstones or markers are permitted only in sections of Arlington National Cemetery authorized for such headstones or markers as of January 1, 1947.

"(c) MONUMENTS.—(1) No monument (or similar structure as determined by the Secretary of the Army in regulations) may be placed in Arlington National Cemetery except pursuant to the provisions of this subsection.

"(2) A monument may be placed in Arlington National Cemetery if the monument commemorates—

"(A) the service in the Armed Forces of the individual, or group of individuals, whose memory is to be honored by the monument; or

"(B) a particular military event.

"(3) No monument may be placed in Arlington National Cemetery until the end of the 25-year period beginning—

"(A) in the case of commemoration of service under paragraph (1)(A), on the last day of the period of service so commemorated; and

"(B) in the case of commemoration of a particular military event under paragraph

(1)(B), on the last day of the period of the event.

"(4) A monument may be placed only in those sections of Arlington National Cemetery designated by the Secretary of the Army for such placement."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(b) of this Act, the following new item:

"2414. Arlington National Cemetery: authorized headstones, markers, and monuments."

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to headstones, markers, or monuments placed in Arlington National Cemetery on or after the date of the enactment of this Act.

#### SEC. 5. PUBLICATION OF REGULATIONS.

Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall publish in the Federal Register any regulation proposed by the Secretary under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

#### GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3211.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3211, the Arlington National Cemetery Burial Eligibility Act, is an important bill that is strongly supported by veterans and their service organizations.

The lion's share of credit for setting the stage for this bill goes to the gentleman from Alabama (Mr. TERRY EVERETT), chairman of the Subcommittee on Oversight and Investigations. His investigation of the waiver process in Arlington National Cemetery has resulted in bipartisan support for H.R. 3211.

In concert with his ranking member, the gentleman from South Carolina (Mr. JIM CLYBURN), the subcommittee tackled some very difficult issues in a comprehensive and professional manner. The bill codifies many of the current regulations of eligibility for burial in the cemetery and placement in the Columbarium.

However, the bill departs from current practice in the following ways:

One, no waivers to the military service requirements for a burial would be allowed for anyone. Family members of eligible veterans would be the only nonveterans allowed to be buried, and they would be in the same gravesite as the eligible veteran.

Second, the bill would eliminate automatic eligibility for Members of Congress and other Federal officials who do not meet all of the military criteria required for other veterans. Currently, these so-called "high Federal officials" are eligible simply by being veterans. The President, as Commander in Chief of the Armed Forces, would be the only official whose eligibility would be retained under the bill.

Third, the bill requires that in the future, memorials and markers erected in the cemetery must commemorate service in the armed services.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very proud to join the gentleman from Arizona (Mr. STUMP) in introducing H.R. 3211, the Arlington National Cemetery Burial Eligibility Act.

The GAO has told us that the eligibility requirements for burial at the cemetery needs clarification, and that the standards for waivers have been inconsistently applied over several years.

The bill we are considering today directly addresses those concerns. It writes into law the eligibility rules for burial at Arlington, allows for the burial of the close family members of persons whose military service has qualified them for burial at Arlington, and virtually eliminates the possibility that waivers shall be granted in the future to persons who do not otherwise meet the eligibility criteria for burial there.

As an enlisted in the United States Marine Corps and a member of the Committee on Veterans' Affairs since I came to Congress, I know that the cemetery is truly sacred ground, especially for our Nation's veteran population. That is why I was extremely concerned by reports that waivers for burial at the cemetery were being granted in exchange for major political contributions.

As everyone should know by now, those reports turned out to be untrue, and without any substantiation whatsoever. But while the GAO expedited review found "no evidence" of waivers for contributions, it did highlight some of the serious flaws in the existing process for burials at the cemetery.

The bill that the gentleman from Arizona (Mr. STUMP), our chairman, and I have put together addresses those concerns. It removes most of the discretion, ambiguity and guesswork from the eligibility process for burials at the cemetery, and it makes it easier for the public to understand the requirements for burial at the cemetery.

Before I conclude my remarks, Mr. Speaker, I want to take a moment to thank the gentleman from Arizona (Chairman STUMP). His focus has been on policy over politics. He has worked through this entire process, working with virtually every member of the committee, and has extended great cooperation to me as the leading Democrat on the committee.

I salute the gentleman from Arizona (Mr. STUMP), Mr. Speaker, for his work on getting this bill here today.

The bill we are bringing to this Congress today will honor the commitments that so many veterans have made to this country. I urge my colleagues to support the bill, H.R. 3211.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. EVERETT), who is chairman of our Subcommittee on Oversight and Investigations.

□ 1445

Mr. EVERETT. Mr. Speaker, if the recent Veterans' Affairs subcommittee hearings on Arlington National Cemetery have demonstrated anything, it is the special reverence with which Americans regard Arlington as a national shrine to honor our military heroes, many of whom were ordinary people who were extraordinary in their defense of our liberties. The only objective of our work has been to ensure the integrity of that hallowed place.

Although the committee's active interest in Arlington preceded the burial waivers investigation by the Subcommittee on Oversight and Investigations, which I chaired, the subcommittee took a thorough look at Arlington and identified serious problems with the waivers and laid much of the foundation of H.R. 3211.

Mr. Speaker, I am proud to join the gentleman from Arizona (Mr. STUMP), our full committee chairman, and many of our colleagues in this bipartisan legislation to codify and reform Arlington eligibility. With the assistance of the General Accounting Office review of burial waivers at Arlington, the Subcommittee on Oversight and Investigations found that the waiver process and criteria were unpublished; information about waivers has often not been available to the general public; the waiver process has lacked clear and consistent criteria, and to the extent it had criteria, it was never followed; decisions themselves have sometimes been inconsistent and not clearly documented; and worst of all, in large part because of the lack of openness and definition, the waiver process has been open to insider political influence, string-pulling and favoritism.

While nothing is perfect, Arlington's system of burial waivers has proved to fall far short of the openness that veterans and the public deserve. I believe that there is widespread agreement that legislative steps are necessary to correct these serious problems our investigation has identified.

As H.R. 3211 moves along and encounters the vagaries of all legislation, we should maintain the bill's objectives of establishing clear-cut eligibility and preserving the military character of Arlington.

Mr. Speaker, I want to commend the gentleman from Arizona (Mr. STUMP) for his leadership on Arlington burial

eligibility and for moving this very important legislation. I also want to commend the gentleman from Illinois (Mr. EVANS), our ranking Democrat, the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Benefits, the gentleman from California (Mr. FILNER), that subcommittee's ranking Democrat, and the gentleman from South Carolina (Mr. CLYBURN), ranking Democrat on my subcommittee.

They have worked long and hard on H.R. 3211.

Mr. Speaker, I urge my colleagues to approve this timely measure to protect the integrity and honor of Arlington National Cemetery.

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS), for yielding me this time, and I thank the gentleman from Arizona (Mr. STUMP), our chairman, for bringing this bill to the floor so quickly.

Mr. Speaker, I too am a strong proponent of the bill before us, H.R. 3211. The Subcommittee on Benefits held a hearing on this measure on February 24, and all of our witnesses were supportive of this bill.

After all that has been said and written in recent months about Arlington National Cemetery, we all agreed that Arlington's burial eligibility requirements needed to be clarified, codified, and refined and this is exactly what H.R. 3211 will do.

I am very proud that the members of our committee came together in a bipartisan fashion to introduce responsible and evenhanded legislation that will maintain the honor and dignity of Arlington's sacred ground. This matter is too important to us as a Nation, a Nation that deeply respects its military dead, for it to be manipulated.

I know that all of my colleagues were comforted, as I was, by the results of the GAO investigation which found no evidence that political contributions played a role in waiver decisions. This is not to say that the Arlington waiver process does not need revision and clarification. The process needs to be reworked, and H.R. 3211 will satisfy the concerns that many of us have had about burial eligibility at Arlington National Cemetery.

I do believe, however, Mr. Speaker, that the bill we are considering today can be and should be improved. As reported by the committee, H.R. 3211 includes no mechanism by which individuals who perform extraordinary acts in service to the United States can be recognized and be buried in Arlington. But common sense and historical evidence makes it clear to me that there must be some procedure in place to permit burial of those rare and unusual individuals whose military service alone does not meet the specific criteria included in H.R. 3211, but whose life accomplishments following their service in America's Armed Forces are so remarkable and distinctive and compel-

ling that we as a Nation feel we must honor these individuals with burial in Arlington National Cemetery.

I am certain that a very tight, very disciplined, and very public process can be designed that would protect and ensure the integrity of the hallowed ground of Arlington, but that would also enable Americans to demonstrate their deep respect and appreciation for the lives and contributions of our most brilliant and beloved countrymen and women. Although this issue was raised too late in the process for the committee to address it, I look forward to working with Members of the other body to further improve a very good bill.

Mr. Speaker, I urge support of H.R. 3211.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, a great supporter of veterans and this committee.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Arizona (Mr. STUMP) for taking me out of order so I can get back to a meeting of the Committee on Rules and expedite the legislation for the next 2 weeks.

Mr. Speaker, I do rise in strong support of this legislation to protect our most sacred national cemetery, and to commend the gentleman from Arizona (Mr. STUMP), my very good friend and chairman of the Committee on Veterans' Affairs, the gentleman from Illinois (Mr. EVANS), and certainly the gentleman from Alabama (Mr. EVERETT) as well as the gentleman from New York (Mr. QUINN) sitting next to me, all of whom have done such a great job bringing this bill to the floor.

As a cosponsor of this legislation, I am proud that today the House is taking this decisive step to protect the sanctity and integrity of Arlington Cemetery. Arlington Cemetery is a place that has become synonymous with valor, courage, and honor that is second to none. It is rightfully a place to be revered as more than a graveyard, but as a resting place and as a lasting monument to heroes, real American heroes. Mr. Speaker, to whom all of us owe our freedoms. And that means that the very least that we can do is to remove the potential for dishonoring that shrine with politics.

This bill does just that by removing virtually all discretion and all waivers for burials at Arlington. In other words, Mr. Speaker, either individuals qualify or they do not, and that is the way it should be. That goes for Members of Congress, for Vice Presidents, for Cabinet members, Court Justices and anyone else. If the person was not killed while serving this country in uniform, was not a decorated veteran, a former prisoner of war, a military retiree or a spouse or child of such qualified veterans that will be buried there, there is no room for burial at Arlington. And again that is the way it should be.

Still, any honorably discharged veteran is always eligible to have their cremated remains displayed there. That is, any honorably discharged veteran.

Mr. Speaker, I urge everyone in the House to support this bill and, when they get a chance, to go out to Arlington again, if they have not been there before, and walk among the headstones, as Chairman STUMP and I did just the other today. I believe they will thank themselves for voting to protect that national shrine and for keeping it open exclusively for those brave men and women who above all else deserve it.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I also rise in support of H.R. 3211. Earlier this year, in response to public concern with the number of burial waivers granted at Arlington National Cemetery, I introduced the Arlington National Cemetery Integrity Act to clarify once and for all who can and who cannot be buried there.

Because this is the last honor the United States can bestow upon our veterans who sacrificed for our freedoms, I was pleased that the gentleman from Arizona (Mr. STUMP), chairman, and the gentleman from Illinois (Mr. EVANS), ranking member of the Committee on Veterans' Affairs, introduced this bill which is similar to the one that I have introduced. Under both of these proposals, current burial guidelines would be put into law and waivers would be eliminated.

Mr. Speaker, we must preserve the integrity and true meaning of this final tribute to our soldiers. H.R. 3211 will accomplish this goal. I urge my colleagues to support this important legislation and again commend the Committee on Veterans' Affairs for its swift action on this piece of legislation.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. QUINN), chairman of our Subcommittee on Benefits.

Mr. QUINN. Mr. Speaker, I too would like to support H.R. 3211. We have talked about its intention to bring order to the process of being buried at Arlington National Cemetery. We all know that the bill would codify, with exceptions that have been discussed today, existing regulatory eligibility criteria for burial at Arlington National Cemetery. Other than persons specifically enumerated in the bill, no other person could be buried in Arlington. In general, we have discussed who those persons would include. Those could include members of the Armed Forces who die in active duty, retired members of the Armed Forces, including Reservists who have served on active duty, former members of the Armed Services who have been awarded the Medal of Honor, Distinguished Service Cross, Air Force Cross, or Navy Cross, Distinguished Service Medal,

Silver Star or Purple Heart, former prisoners of war, President or any former President, Members of the Guard and Reserves who have served on active duty and are eligible for retirement but have not yet retired, the spouse, surviving spouse, minor child and, at the discretion of the superintendent, all of those unmarried adult children, A through F, as we have said.

Mr. Speaker, what I wanted to do is to thank the people on our committee on both sides of the aisle, both the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS), ranking member, as well as the gentleman from Alabama (Mr. EVERETT), the ranking member of the Subcommittee on Benefits, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. SNYDER), a committee member who had thoughtful questions and brought discussion of this whole issue of Arlington.

Now that we have come up with a compromise of sorts to make sure that we are heading in the right direction, toward the end of next month, the gentleman from California (Mr. FILNER) and I will be organizing a visit to Arlington for members on the committee and Members of the Congress at large to talk about their plans for changes at Arlington and to talk about the things that are done in this bill today so that all of us at least in the Congress know where we are headed when we talk about changes necessary at Arlington National Cemetery.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. EVANS. Mr. Speaker, may I inquire as to how much time is remaining on both sides at this point?

The SPEAKER pro tempore. The gentleman from Illinois (Mr. EVANS) has 13 minutes remaining and the gentleman from Arizona (Mr. STUMP) has 11 minutes remaining.

Mr. EVANS. Mr. Speaker, I yield 10 minutes to the gentleman from Arizona (Mr. STUMP), and ask unanimous consent that he be permitted to control that time as he sees fit.

Mr. STUMP. Mr. Speaker, if the gentleman would yield, I thank him and would say that we do need the time. I have more speakers than I anticipated.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS), the chairman of the Subcommittee on Health.

Mr. STEARNS. Mr. Speaker, I thank the distinguished gentleman from Arizona for yielding me this time.

Mr. Speaker, I rise in support of H.R. 3211, as amended. This bill establishes an important policy. It provides clear specific statutory criteria for burial at Arlington National Cemetery. In doing so, the bill would rule out a troubling policy of granting exceptions to eligibility rules which, until now, have been set in regulations.

As the oversight of the Committee on Veterans' Affairs has shown, the practice of entertaining requests for waivers and exceptions at Arlington has opened a door to inconsistency and subjectivity. I hardly need to remind Members of the stains such practices have created.

The bill would close the door to exceptions and restore a sense of honor to administration of this precious, precious site. Burial at Arlington should be reserved to those with distinguished military service. This bill would crystallize that policy. This bill codifies key elements of the current regulations governing eligibility for burial at Arlington. H.R. 3211 draws some hard lines, but they are lines that need to be drawn. They include the following:

No waivers could be granted to the military service requirements for burial. The only nonveterans eligible for burial would be the immediate family members of those veterans eligible for burial, and Members of Congress and other Federal officials who do not meet the military criteria would no longer be eligible for burial at Arlington.

The Committee on Veterans' Affairs did not set this policy in place lightly. H.R. 3211 is a product of careful, comprehensive oversight, extensive consultation with veterans and military service organizations and a great deal of hard work.

I am proud to be a cosponsor of this fine bill and commend my colleagues for their fine work on this legislation.

Mr. Speaker, I have the honor to have my father buried at Arlington National Cemetery for the work he did in the Navy and receiving the Bronze Star in the Iwo Jima campaign. And then I have a great great grandfather who is also buried there who has the same criteria. So it is with a great deal of heartfelt feeling on this issue that I commend this bill to my colleagues and I hope they will pass it.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the committee.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Arizona (Mr. STUMP), chairman of our committee and dean of our delegation, who continues to set an example in his legislative work, as he did as a younger man in the Pacific theater in World War II.

I thank also the gentleman from Illinois (Mr. EVANS), ranking minority member of the Committee on Veterans' Affairs, for moving forward with this legislation in such a timely manner; for, Mr. Speaker, what we are preparing to do in this Chamber with this vote on this legislation, for which I rise in strong support, is to restore trust with the American people for this hallowed ground.

□ 1500

I cannot help but notice as we look at the ground that makes up Arlington National Cemetery that the headstones

literally border the Pentagon. And indeed decisions made there and decisions made here to send American citizens into harm's way must always be carried out with the utmost sobriety and seriousness, because, as General MacArthur pointed out, "The soldier personally loathes war the most, for it is the soldier who quite literally has the most to lose."

Mr. Speaker, as constituents of mine in the Sixth District of Arizona reacted with surprise and outrage, and Mr. Speaker, I do not think those terms are too strong to use, as revelations came forth that, sadly, this hallowed ground was being misused with a liberal use of waivers, what we will do with this legislation is again to state that Arlington National Cemetery exists for the purpose of honoring our military dead, those who have fallen in pursuing freedom, that we are reaffirming that this hallowed ground belongs to the memory and the remains of those who have contributed mightily, who may have fallen on the field of battle, but who always and forever represented this country with valor and bravery, and that we would not succumb to the temptations and political pressures ever again of yielding any of that ground under suspicions that it might go to the highest bidder.

This is a mission of honor and a restoration of trust, and I appreciate the bipartisan manner in which this legislation has been approached because, again, we set up a formula whereby if waivers are ever to be granted, they will be granted with the full sunshine of this Congress, representing the people constitutionally to make such waivers, not to any back room or any regulation or waiver otherwise granted.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Speaker, I want to thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) for their hard work on this bill and the bipartisan effort to bring it forward to the House today.

I, too, was greatly disturbed, as were my constituents, by rumors that there may have been attempts used to have Arlington Cemetery and the privilege of being put to rest there used for political fund-raising purposes.

My grandmother served this country as a nurse in World War I. She had three sons, who all served this country in World War II. My father was in the Navy as an enlisted man. My father-in-law served 30 years in the Navy and retired as a captain. Our family takes great pride in the service that they have offered this country.

It extends to all people, Democrats, Republicans, rich and poor, the ability to make a sacrifice to serve this country. And Arlington is where we honor those who have perhaps sacrificed the most in the cause of freedom and upholding liberty in this great Nation.

So it is with great pleasure that I speak out in favor of this bill. My generation wants to honor those who have sacrificed for our country and those who will sacrifice for our country by serving in the military in the future. This bill puts on record that all of us can come together today and say, this has to be above politics.

Mr. Speaker, I do want to thank the chairman and the ranking member for their hard efforts in bringing this bill to the floor.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I am pleased to join the distinguished chairman of the Committee on Veterans' Affairs and the ranking member in support of H.R. 3211, which will do much to restore the honor of burial at Arlington National Cemetery.

I have heard from hundreds of my constituents who are concerned that burial at Arlington has been granted to nonveterans because of special waivers. My constituents were equally concerned by the reluctance of the administration to release names and details about those buried under the waiver process. So I acted on these concerns by introducing a bill of my own, similar to the legislation before the House today, to ensure greater scrutiny and full disclosure of waiver requests.

H.R. 3211 requires the Secretary of the Army to maintain a register of those buried at Arlington and requires that this register be made available to the public. While I understand the privacy concerns that limit the initial disclosures of waiver recipients, I also believe that this reluctance created the unfortunate perception that the administration was trying to hide something.

Arlington is a public cemetery, and we should have the full public disclosure which this bill provides. I also agree with the emphasis that this bill gives to educating veterans about Arlington. This bill will require the Secretary of the Army to publish a pamphlet describing eligibility requirements. Such materials are needed to reassure the veterans community, as well as to clarify eligibility requirements.

I have heard stories of veterans awarded the Silver Star who deserve burial at Arlington by any measure, but they do not realize they are worthy of this honor or this opportunity. This bill corrects that problem by providing the Secretary the materials needed to educate this community.

This is an outstanding bill, Mr. Speaker, that corrects the significant loopholes created by the waiver process and reaffirms our belief that only a very honored few deserve to be buried at Arlington National Cemetery. I urge my colleagues to support this legislation.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there have been some Members that have expressed a desire to consider language that would still provide a waiver for Arlington, and we considered this at length in committee. I personally oppose such language and would like to include for the record letters from the American Legion, AMVETS, the Disabled American Veterans, the Veterans of Foreign Wars, Vietnam Veterans of America, the Non-Commissioned Officers Association, and the Retired Enlisted Association, among others, that oppose such language.

Mr. Speaker, I include the following for the RECORD:

THE AMERICAN LEGION,  
Washington, DC, March 12, 1998.

Hon. BOB STUMP,  
Chairman, House Committee on Veterans' Affairs, Washington DC.

DEAR CHAIRMAN STUMP: The American Legion fully supports H.R. 3211, a bill to codify existing regulatory criteria for burial in Arlington National Cemetery. The American Legion believes codifying existing regulations and prohibiting any future waiver authority is an unfortunate but necessary step to maintain the honor and sanctity of Arlington National Cemetery. The current waiver process is purely subjective, inconsistent and vulnerable to political influence. Allowing future waivers at Arlington National Cemetery would continue this subjective and inconsistent waiver process and allow for possible abuses by the current and future administrations.

Although the valuable contributions of non-veterans in service to the nation and society is notable, these individuals are not legally obligated to perform their duties in the same manner as member of the armed forces. When individuals don the military uniform and take the oath of office, they lose some personal freedoms, experience undue hardships and accept a unique standard of conduct governed by the Uniform Code of Military Justice. Failure or refusal to perform their assigned mission will result in criminal proceedings that may lead to a General Court Martial and a dishonorable discharge. Individuals serving in the civilian government and private workforce are not legally obligated in this same manner.

The American Legion believes Arlington National Cemetery is clearly a cemetery operated and maintained by the Department of the Army exclusively for military personnel, retirees, veterans and their immediate family members. Requirements to be buried in Arlington are strict because of the prestige, history and special recognition of honorable military service. If Congress truly believes someone warrants burial in Arlington National Cemetery, it can pass separate legislation authorizing a waiver on a case by case basis. In light of the recent waiver abuses, The American Legion believes H.R. 3211 is now the best alternative to protecting the sanctity of this national military shrine.

Sincerely,

STEVE A. ROBERTSON,  
Director,  
National Legislative Commission.

VETERANS OF FOREIGN WARS  
OF THE UNITED STATES,  
Washington, DC, March 13, 1998.

Hon. BOB STUMP,  
Chairman, Veterans' Affairs Committee, House of Representatives, Washington DC.

DEAR MR. CHAIRMAN: The Veterans of Foreign Wars of the United States (VFW) has already strongly endorsed your excellent bipartisan bill H.R. 3211, the "Arlington Na-

tional Cemetery Burial Eligibility Act." I again put the VFW on record with you and your committee to clearly and concisely state that the 2.1 million members of this organization firmly believe no other persons should be buried at Arlington other than those enumerated in your bill.

Thank you and all other members of your committee for the collective concerns and efforts extended to our nation's veterans. The VFW asks that you do the only proper and equitable thing today regarding Arlington National Cemetery. Please retain this piece of hallowed ground for persons who have dedicated their lives to the military profession and/or who were either killed while on active duty or received an award for extraordinary heroism.

Sincerely,

JOHN E. MOON,  
Commander-in-Chief.

DISABLED AMERICAN VETERANS,  
Washington, DC, March 20, 1998.

Hon. BOB STUMP,  
Chairman, House Veterans' Affairs Committee, Washington, DC.

Attn: Mike Brinck.

DEAR REPRESENTATIVE STUMP: This letter is to advise you that the Disabled American Veterans (DAV) National Executive Committee passed a resolution on March 17, 1998, supporting legislation to preserve burial space in Arlington National Cemetery for America's military heroes. I have enclosed a copy of this resolution.

It is the DAV's position that, with the exception of the President or former Presidents of the United States, burial in Arlington should be reserved for veterans who meet the existing criteria for burial eligibility in Arlington National Cemetery. The DAV does not support any discretionary waiver process that would allow for the burial of non-veterans at Arlington National Cemetery.

Accordingly, the DAV is on record as supporting the principles of H.R. 3211. Thank you for your continued support.

Sincerely,

HARRY R. McDONALD, Jr.,  
National Commander.

Enclosure.

DAV NATIONAL EXECUTIVE COMMITTEE  
RESOLUTION

SUPPORTING LEGISLATION TO PRESERVE BURIAL SPACE IN ARLINGTON NATIONAL CEMETERY FOR AMERICA'S MILITARY HEROES

Whereas, our citizens hold veterans in the highest esteem and accord special honors to them for the unique contributions they make in service in our Nation's Armed Forces, and

Whereas, such honors set veterans apart because they are bestowed only upon veterans, and

Whereas, burial in Arlington National Cemetery, our Nation's most prestigious and hallowed national cemetery, should be an honor reserved for America's military heroes, and

Whereas, burials of nonveterans at the discretion of the Secretary of the Army have brought into question not only the application but also the wisdom of such policy, and

Whereas, the limited burial space in Arlington should not be further depleted by burial of nonveterans, NOW

Therefore, be it resolved That the Disabled American Veterans, National Executive Committee, meeting at Arlington, Virginia on this the 17th day of March, 1998, goes on record as supporting legislation to codify existing criteria for veterans' burial eligibility and eliminating provisions for burial of non-veterans, other than Presidents of the United States, in Arlington National Cemetery.



AMVETS,

Lanham, MD, March 12, 1998.

Hon. BOB STUMP,  
Chairman, House Veterans Affairs Committee,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We understand that there was some discussion during the markup of H.R. 3211 (Arlington Cemetery) in which committee members raised the issue of providing authorization of waivers for burial in Arlington National Cemetery. AMVETS adamantly opposes any waivers and supports H.R. 3211 as it stands.

We testified to that effect in February to the House Veterans Affairs Health Subcommittee. Arlington is a veterans cemetery and should be reserved for those who served.

Sincerely,

JOSEPHUS C. VANDENGOORBERGH,  
AMVETS National Commander.

VIETNAM VETERANS OF AMERICA, INC.,  
Washington, DC, March 11, 1998.

Hon. BOB STUMP,  
House Committee on Veterans' Affairs, Cannon  
House Office Building, Washington, DC.

DEAR CHAIRMAN STUMP: In response to some of the discussion at the full Committee markup this afternoon, I wanted to convey to you and the members of the Committee VVA's perspective on the Arlington Cemetery burial criteria bill.

Recent scrutiny of the burial waiver procedures in Arlington National Cemetery have certainly brought to light the passion America feels for this most sacred of all military burial grounds. The public at large, and veterans in particular, were very alarmed at the appearance of impropriety of the burial waiver process. What seems to have come to light is the fact that the burial eligibility for Arlington National Cemetery was not a matter of clear statutory guidance. And furthermore, the waiver process was not accessed by most veterans' families who were turned away by the Superintendent upon initial inquiries about eligibility. We suspect that many of these families were not aware of a waiver process, or probably took the Superintendent's assessment at face value and did not pursue nor even inquire about waivers.

It certainly seems desirable to have a cut-and-dry set of criteria outlining who may and who may not be buried in Arlington National Cemetery. And thus, eliminating the waiver process precludes all appearances of impropriety.

If this bill is passed, VVA is confident that Congress could, in extraordinary circumstances, provide an exception for individuals who do not have military service which meets the statutory criteria, but who have demonstrated public service which merits a distinctive burial at Arlington Cemetery. Just as the Veterans' Affairs Committees led Congress in the move to make Bob Hope an "Honorary Veteran," we believe a similar procedure would be possible in specific cases. VVA would prefer that the more cumbersome route of Congressional exemptions be implemented, rather than having the potential for ambiguous interpretation in an administrative waiver process.

Should there be any additional questions or concerns about this bill or the waiver process, I would be very pleased to clarify VVA's position further. Again, thank you for your leadership on this issue.

Sincerely,

KELLI WILLARD WEST,  
Director of Government Relations.

NON COMMISSIONED OFFICERS ASSO-  
CIATION OF THE UNITED STATES OF  
AMERICA,

Alexandria, Virginia, March 11, 1998.

Hon. BOB STUMP,  
Chairman, Committee on Veterans Affairs,  
House of Representatives, Cannon House  
Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Non Commissioned Officers Association of the USA (NCOA) is writing to restate its strong and unequivocal support for H.R. 3211, a bill that would codify the eligibility requirements for burial at Arlington National Cemetery.

The whole purpose of H.R. 3211 is to eliminate the discretion and subjective determinations that have led to questionable actions concerning Arlington. This Association believes we should not provide even a small amount of wedge room that likely would lead to future controversy. In our view, the eligibility for burial at Arlington should be so clear and explicit so as to allow the Superintendent to make all eligibility determinations. Waiver of the eligibility criteria must be strictly forbidden including those actions currently authorized by the Secretary of the Army and the President. Under current, and a proposed criteria, that disallows burial in Arlington National Cemetery for millions of veterans, this Association is adamantly opposed to any further leniency in the eligibility criteria beyond that proposed in H.R. 3211.

In NCOA's opinion, our position on this issue does not preclude the consideration of exceptionally, compelling cases by the Congress of the United States. Congress has taken such actions previously and this course is clearly the way preferred by this Association.

For your information, I have sent a similar letter to all of your colleagues on the House Veterans Affairs Committee.

Sincerely,

LARRY D. RHEA,  
Deputy Director  
of Legislative Affairs.

THE RETIRED ENLISTED ASSOCIATION,  
Alexandria, Virginia, March 11, 1998.

To: All members of the House Veterans Affairs Committee.

The Retired Enlisted Association (TREA) is writing to restate its strong support for H.R. 3211, a bill that would codify the eligibility requirements for burial at Arlington National Cemetery.

The purpose of H.R. 3211 is to eliminate the discretion and subjective determinations that have led to questionable actions concerning Arlington. In our view, the eligibility for burial at Arlington should be so clear and explicit so as to allow the Superintendent to make all eligibility determinations. Many veterans are not allowed to be buried at Arlington with the current regulations. Why should we allow waivers for persons that do meet the requirements for burial at Arlington?

In TREA's opinion, our position on this issue does not preclude the consideration of exceptionally, compelling cases by the Congress of the United States. Congress has taken such actions previously and this course is clearly the way preferred by this Association.

Sincerely,

MARK H. OLANOFF,  
Legislative Director.

Mr. STUMP. Mr. Speaker, I believe it would be better to investigate the feasibility of establishing perhaps another cemetery in Washington for the purpose of honoring Americans who have substantially contributed to the well-being of the Nation but who do not

meet the strict military criteria for burial at Arlington. If there are Members who are willing to pursue this avenue, I would be happy to commit to working with the Senate in conference to achieve such a consensus.

In closing, Mr. Speaker, there are a lot of people who deserve a lot of thanks, and I would like to thank the gentleman from New York (Mr. QUINN), the gentleman from California (Mr. FILNER), the chairman and the ranking member of the Subcommittee on Benefits; the gentleman from Alabama (Mr. EVERETT) and the gentleman from South Carolina (Mr. CLYBURN), the ranking member and the chairman of the Subcommittee on Oversight and Investigations; and special thanks to the gentleman from Illinois (Mr. EVANS), the ranking Democrat on this committee, for all the help he has provided in working out the differences on this bill, and I am entirely grateful for his help.

As I mentioned before, this is a bipartisan bill and would I urge all Members to support it.

Mr. GOSS. Mr. Speaker, Arlington National Cemetery is more than just a place or burial for our veterans. It is a symbol of honor, respect and American tradition. It is a tragedy when these principles are threatened by inconsistency or irresponsibility. There has been an outpouring of anger and suspicion in my district and elsewhere following the accusations that Arlington waivers were being handed over on the basis of campaign donations or political clout, rather than meritorious service to our country. People are questioning the integrity of those charged with overseeing the process. Today, we are responding because our veterans deserve better.

Burial at Arlington National Cemetery shouldn't be diminished by red tape. But if it takes some Federal legislation to protect our commemoration of those who have sacrificed for our Nation, then passage of H.R. 3211 is the right thing to do. It is my hope that this again will help restore faith among our deserving veterans and the American people by clarifying once and for all the proper standards and procedures for burial in Arlington's sacred ground. I urge adoption.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. EVANS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I urge my colleagues to support the bill.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 3211, as amended.

The question was taken.

Mr. STUMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.



# REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1415

Mr. MCINTOSH. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor from H.R. 1415.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

(Mr. MCINTOSH asked and was given permission to revise and extend his remarks.)

Mr. MCINTOSH. Mr. Speaker, my district health care advisory committee, consisting of health industry professionals, insurers and providers, has advised me that PARCA, H.R. 1415, is not the best means to protect patients rights and has recommended that I withdraw from the bill.

However, I do support patient protections and am submitting for the RECORD a statement of principles that is a small government approach to protecting patients' rights and health care reform.

## HEALTH CARE STATEMENT OF PRINCIPLES: WHAT HEALTH CARE REFORM LEGISLATION MUST INCLUDE THIS YEAR

1. Increasing the number of insured Americans by providing everyone access to tax-free insurance. Millions of Americans receive a tax free employer-provided health insurance coverage. However, this option is not available to everyone. As a matter of fairness, it should be. The self-employed and individual workers must be able to purchase fully deductible insurance. This would vastly decrease the roles of America's uninsured. Moreover, increasing the number of insured children can be achieved by making children's health care completely tax deductible.

2. Individual choice: Individuals must be able to choose the health coverage that meets their needs as well as the needs of their family. Americans should be able to select from a menu of benefits in any health coverage plan, including a point-of-service option. They should be allowed to choose from plans available in the marketplace, based on price competition and personal choice. Especially important in this effort is eliminating government restrictions, such as innovative health care plans like Medical Savings Accounts.

3. Patient access: Americans should have the right to see the doctor of their choice. Americans should have the flexibility and accessibility to see their own doctors or specialists at an affordable rate. Health care plans should not discriminate on the basis of license in reimbursing eligible network health care providers for performing a covered service.

4. Freedom of Speech: Americans must have the right to talk freely with their doctors. Health care plans should not include "gag clauses" that restrict a physician's ability to communicate to their patients. Patients have the right to know all possible options concerning their care.

5. Quality health care at lower costs. Health care costs have skyrocketed in large part because of the proliferation of litigation by unscrupulous trial lawyers. The abuse of the system has made all of us victims of high health care costs. Congress must enact medical malpractice reform and common sense legal reform for life-saving bio-medical materials. The revised standard of liability should apply to third party health care plans that make medical judgements on applicable care.

6. Lower Cost Options for Healthy Americans. Americans should not be punished for being in good health. Those Americans who

look after their health by eating healthy, exercising, and not smoking should be rewarded with less expensive health care for their efforts.

7. Elderly Americans and Doctors Must Have Freedom to Choose. Section 4507 of the Balanced Budget Act, which forbids doctors from treating any Medicare patients if they see one Medicare patient on a private contracting basis, should be repealed. Patients must not be coerced by the federal government from seeing each other if it best serves their health care needs.

9. Freedom of Information. American health care consumers shall have the right to a clear and concise description of what is and is not covered by any health plan. In addition, all health care plans shall provide full disclosure of the professional qualifications and performance records of their health care providers as well as their practices and procedures.

## USERRA AMENDMENTS ACT OF 1998

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3213) to amend title 38, United States Code, to clarify enforcement of veterans' employment and reemployment rights with respect to a State as an employer or a private employer, to extend veterans' employment and reemployment rights to members of the uniformed services employed abroad by United States companies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3213

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "USERRA Amendments Act of 1998".

### SEC. 2. ENFORCEMENT OF RIGHTS WITH RESPECT TO A STATE AS AN EMPLOYER.

(a) IN GENERAL.—Section 4323 of title 38, United States Code, is amended to read as follows:

#### "§ 4323. Enforcement of rights with respect to a State or private employer

"(a) ACTION FOR RELIEF.—(1) A person who receives from the Secretary a notification pursuant to section 4322(e) of this title of an unsuccessful effort to resolve a complaint relating to a State (as an employer) or a private employer may request that the Secretary refer the complaint to the Attorney General. If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and commence an action for relief under this chapter for such person. In the case of such an action against a State (as an employer), the action shall be brought in the name of the United States as the plaintiff in the action.

"(2) A person may commence an action for relief with respect to a complaint against a State (as an employer) or a private employer if the person—

"(A) has chosen not to apply to the Secretary for assistance under section 4322(a) of this title;

"(B) has chosen not to request that the Secretary refer the complaint to the Attorney General under paragraph (1); or

"(C) has been refused representation by the Attorney General with respect to the complaint under such paragraph.

"(b) JURISDICTION.—(1) In the case of an action against a State (as an employer) or a private employer commenced by the United States, the district courts of the United States shall have jurisdiction over the action.

"(2) In the case of an action against a State (as an employer) by a person, the action may be brought in a State court of competent jurisdiction in accordance with the laws of the State.

"(3) In the case of an action against a private employer by a person, the district courts of the United States shall have jurisdiction of the action.

"(c) VENUE.—(1) In the case of an action by the United States against a State (as an employer), the action may proceed in the United States district court for any district in which the State exercises any authority or carries out any function.

"(2) In the case of an action against a private employer, the action may proceed in the United States district court for any district in which the private employer of the person maintains a place of business.

"(d) REMEDIES.—(1) In any action under this section, the court may award relief as follows:

"(A) The court may require the employer to comply with the provisions of this chapter.

"(B) The court may require the employer to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter.

"(C) The court may require the employer to pay the person an amount equal to the amount referred to in subparagraph (B) as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

"(2)(A) Any compensation awarded under subparagraph (B) or (C) of paragraph (1) shall be in addition to, and shall not diminish, any of the other rights and benefits provided for under this chapter.

"(B) In the case of an action commenced in the name of the United States for which the relief includes compensation awarded under subparagraph (B) or (C) of paragraph (1), such compensation shall be held in a special deposit account and shall be paid, on order of the Attorney General, directly to the person. If the compensation is not paid to the person because of inability to do so within a period of three years, the compensation shall be covered into the Treasury of the United States as miscellaneous receipts.

"(3) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"(e) EQUITY POWERS.—The court may use its full equity powers, including temporary or permanent injunctions, temporary restraining orders, and contempt orders, to vindicate fully the rights or benefits of persons under this chapter.

"(f) STANDING.—An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter under subsection (a) or by the United States under subsection (a)(1).

"(g) RESPONDENT.—In any action under this chapter, only an employer or a potential employer, as the case may be, shall be a necessary party respondent.

"(h) FEES, COURT COSTS.—(1) No fees or court costs may be charged or taxed against any person claiming rights under this chapter.

"(2) In any action or proceeding to enforce a provision of this chapter by a person under subsection (a)(2) who obtained private counsel for such action or proceeding, the court may award any such person who prevails in

such action or proceeding reasonable attorney fees, expert witness fees, and other litigation expenses.

"(i) INAPPLICABILITY OF STATE STATUTE OF LIMITATIONS.—No State statute of limitations shall apply to any proceeding under this chapter.

"(j) DEFINITION.—In this section, the term 'private employer' includes a political subdivision of a State."

(b) EFFECTIVE DATE.—(1) Section 4323 of title 38, United States Code, as amended by subsection (a), shall apply to actions commenced under chapter 43 of such title on or after the date of the enactment of this Act, and shall apply to actions commenced under such chapter before the date of the enactment of this Act that are not final on the date of the enactment of this Act, without regard to when the cause of action accrued.

(2) In the case of any such action against a State (as an employer) in which a person, on the day before the date of the enactment of this Act, is represented by the Attorney General under section 4323(a)(1) of such title as in effect on such day, the court shall upon motion of the Attorney General, substitute the United States as the plaintiff in the action pursuant to such section as amended by subsection (a).

### SEC. 3. PROTECTION OF EXTRATERRITORIAL EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) DEFINITION OF EMPLOYEE.—Section 4303(3) of title 38, United States Code, is amended by adding at the end the following: "Such term includes any person who is a citizen, national, or permanent resident alien of the United States employed in a workplace in a foreign country by an employer that is an entity incorporated or otherwise organized in the United States or that is controlled by an entity organized in the United States, within the meaning of section 4319(c) of this title."

(b) FOREIGN COUNTRIES.—Subchapter II of chapter 43 of such title is amended by inserting after section 4318 the following new section:

#### "§4319. Employment and reemployment rights in foreign countries

"(a) LIABILITY OF CONTROLLING U.S. EMPLOYER OF FOREIGN ENTITY.—If an employer controls an entity that is incorporated or otherwise organized in a foreign country, any denial of employment, reemployment, or benefit by such entity shall be presumed to be by such employer.

"(b) INAPPLICABILITY TO FOREIGN EMPLOYER.—This subchapter does not apply to foreign operations of an employer that is a foreign person not controlled by an United States employer.

"(c) DETERMINATION OF CONTROLLING EMPLOYER.—For the purpose of this section, the determination of whether an employer controls an entity shall be based upon the interrelations of operations, common management, centralized control of labor relations, and common ownership or financial control of the employer and the entity.

"(d) EXEMPTION.—Notwithstanding any other provision of this subchapter, an employer, or an entity controlled by an employer, may—

"(1) discriminate within the meaning of section 4311 of this title;

"(2) deny reemployment rights within the meaning of section 4312, 4313, 4314, or 4315 of this title; or

"(3) deny benefits within the meaning of section 4316, 4317, or 4318 of this title, with respect to an employee in a workplace in a foreign country, if compliance with any such section would cause such employer, or such entity controlled by an employer, to

violate the law of the foreign country in which the workplace is located."

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 of such title is amended by inserting after the item relating to section 4318 the following new item:

"4319. Employment and reemployment rights in foreign countries."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to conduct occurring after the date of the enactment of this Act.

### SEC. 4. COMPLAINTS RELATING TO REEMPLOYMENT OF MEMBERS OF THE UNIFORMED SERVICES IN FEDERAL SERVICE.

(a) IN GENERAL.—The first sentence of paragraph (1) of section 4324(c) of title 38, United States Code, is amended by inserting before the period at the end the following: ", without regard as to whether the complaint accrued before, on, or after October 13, 1994".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to all complaints filed with the Merit Systems Protection Board on or after October 13, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

#### GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3213.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3213 clarifies enforcement of the Uniformed Services Employment and Reemployment Rights Act with respect to State governments. It would also include U.S. employers in foreign countries under the provisions of this act. Many committee members from both sides of the aisle contributed to this bill and their efforts are appreciated.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to thank the chairman of the full committee for his bipartisan work again on this important bill to restore and strengthen the employment and reemployment rights of those who have served in our country's Armed Forces.

I also want to thank the gentleman from California (Mr. FILNER), the ranking member of the Subcommittee on Benefits, for introducing this legislation last year. The bill brought to our attention the need to restore the employment and reemployment rights of State employees following a 1996 subcommittee decision that had the effect of terminating their rights.

I also want to thank the gentleman from New York (Mr. QUINN), chairman of the subcommittee, for introducing this bill before us today, H.R. 3213, which incorporates several important provisions to protect the rights of our servicemembers. Federal law must assure that the appropriate remedies are available when violations of employment or reemployment rights to servicemembers threaten our Nation's ability to obtain and attract a strong military force.

Federal law protecting employment and reemployment rights for servicemembers has been in effect since the days before World War II. By passing this bill, we are fulfilling our duty to provide for the common defense of our Nation. With the need to utilize the resources of the National Guard and Reserves to meet our Total Force military responsibilities, it is essential that those who volunteer to serve our country be protected by adequate safeguards of their right to obtain and retain suitable civilian employment.

I want to thank my colleagues again, especially the gentleman from New York (Mr. QUINN), the gentleman from California (Mr. FILNER), and the chairman for their hard work that they put in bringing this bill to the floor today.

Mr. Speaker, I wish to thank the Chairman of the Full Committee for his bipartisan work on this important bill to restore and strengthen the employment and re-employment rights of those who have served our country in the Armed Forces. I wish to thank the Ranking Democratic Member of the Subcommittee on Benefits, Mr. FILNER for introducing H.R. 166 last year. This bill brought to our attention the need to restore the employment and re-employment rights of State employees following a 1996 Subcommittee decision that had the effect of terminating their rights.

I also wish to thank the Chairman of the Subcommittee on Benefits, Mr. QUINN for introducing the bill before us, H.R. 3213, which incorporates several important provisions to protect the rights of our servicemembers. Federal law must assure that appropriate remedies are available when violations of the employment or re-employment rights of servicemembers threaten our nation's ability to attain and maintain a strong military force.

This bill will correct several deficiencies in present law. Specifically, this bill will provide remedies for violations of employment and re-employment rights of servicemembers by:

Providing the federal government with a means of enforcing servicemembers' employment and re-employment rights in federal court;

Providing a remedy for servicemembers who are employed in foreign lands by United States corporations; and

Providing for review of certain complaints involving violation of servicemembers' rights by federal employers.

The need for this legislation became apparent after the Supreme Court's 1996 ruling in *Seminole Tribe of Florida v. Florida*, 116 S. Ct. 1114, that Congress was precluded by the Eleventh amendment from providing a federal forum for suits under laws enacted pursuant to

the Commerce Clause of the United States Constitution. Although the authority for laws involving veterans benefits is derived from the War Powers clause, several courts have held the reasoning of the Seminole Tribe case precludes federal court jurisdiction of claims to enforce federal rights of State employees under the Uniformed Service Employment and Re-employment Rights Act (USERRA).

Federal law protecting employment and re-employment rights of servicemembers has been in effect since 1940. No claim of Eleventh amendment immunity from suit to enforce those rights in federal court had been granted until after the Supreme Court's Seminole Tribe decision. Several courts have now ruled that the Eleventh amendment bars suit to enforce the present law governing the employment and re-employment rights of State employees.

By passing this bill, we are fulfilling our Constitutional duty to "provide for the common Defence" of our nation. With the need to utilize the resources of the National Guard and Reserves to meet our Total Force military responsibilities, it is essential that those who volunteer to serve our country be protected by adequate safeguards of their right to obtain and retain suitable civilian employment.

The United States has a strong national interest in assuring that its military readiness will not be undermined by policies and practices which can deter competent and qualified citizens from military service, including the Guard and Reserve. This bill assures that the federal government's interest in protecting the employment and re-employment rights of our military personnel can be fully exercised in those cases where the employer is a State government. The ability of the United States to attract and retain the competent and qualified personnel necessary to meet our national security interests will be undermined absent a remedy which the federal government can pursue for egregious violations of veterans' rights.

This bill would permit the United States to bring such an action, thereby protecting the federal government's responsibility to provide for the national defense.

In addition, this bill extends the protection of employment and re-employment rights to veterans who are employed in foreign lands by United States corporations. In *EEOC v. Arabian American Oil Co.*, 111 S. Ct. 1227 (1991), the Supreme Court considered the issue of the extraterritorial application of Title VII of the Civil Rights Act of 1964 and held that there is a presumption against such application of U.S. laws. The Court also noted that the presumption can be overcome by a clear expression of congressional intent to apply a particular statute outside the United States. This clear expression is desirable in order to fully apply the universal coverage principle that has been inherent in veterans' employment and re-employment rights since the law's inception.

Finally the bill provides specific authority to the Federal Merit Protection Board to hear certain complaints involving federal employers, regardless of when the complaint arose. The basis for this change is the case of *Monsivais v. Department of Justice* (Three Rivers Bureau of Prisons). Mr. Monsivais had been charged with being absent from work without leave due to his participation in required military training after the Bureau of Prisons had refused his request for a military leave of absence. On March 17, 1997, the Office of the Special

Counsel determined that even though the Bureau of Prison's alleged violations were prohibited under the prior version of the law, the Veteran's Reemployment Rights Act (VRRRA), it was unable to represent Mr. Monsivais because the alleged violation of the law arose under the statute which preceded the enactment of USERRA on October 13, 1994. Because the VRRRA did not provide for enforcement by the Office of the Special Counsel, there was no forum to address this violation. The provisions of this bill will allow for representation by the Office of the Special Counsel of persons before the Merit Systems Protection Board for pre-USERRA causes of action which are alleged to be violations of the VRRRA statute. Jurisdiction of the Merit Systems Protection Board is extended to all claims filed with the Board after October 13, 1994 regardless of whether the action complained of occurred before, on, or after that date.

I thank my colleagues, especially Mr. QUINN, Chairman of the Subcommittee on Benefits and Mr. FILNER the Ranking Member of that subcommittee for their hard work in bringing this bill to the floor and recommend its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits, for further explanation of H.R. 3213.

Mr. QUINN. Mr. Speaker, for the record, I just want to mention that USERRA, the Uniformed Services Employment and Reemployment Rights Act, is the continuation of policy which was originally enacted in 1940 Public Law 76-96. Its purpose is to provide persons who serve for a limited period in the U.S. Armed Forces the right to return to civilian employment. This law applies to all employers, regardless of their size. It is particularly important today to persons serving in the Guard and Reserve.

This bill would substitute the United States for an individual veteran as the plaintiff in enforcement actions in cases where the Attorney General believes that a State has not complied with USERRA. Since the Attorney General, through U.S. Attorneys, is already involved in enforcing this law, this will not impose any new duties on the Department of Justice. Individuals not represented by the Attorney General would be able to bring enforcement actions in State court.

The bill also makes a technical change to USERRA suggested by the Department of Labor concerning overseas employees of U.S. companies and another needed change affecting Federal employee enforcement rights that was discovered as a result of hearings held some 2 years ago.

In summary, Mr. Speaker, we are looking at State employees to be granted the same rights under USERRA as any other veteran or member of the Guard and Reserve who works in the private sector or the Federal Government.

I want to suggest to our colleagues that we support 3213. And finally, as others have, thanks to the ranking member of the committee, the gentleman from California (Mr. FILNER); of course, the gentleman from Illinois (Mr. EVANS), the ranking member of the full committee; and the gentleman from Arizona (Mr. STUMP), the chairman, for their cooperation with the subcommittee in bringing the hearings together and also in bringing the bill to the floor today.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me the time; and I thank the gentleman from New York (Mr. QUINN) for working so closely with the members of the subcommittee to make sure that after the problem was identified, we came up with the consensus rather quickly to solve it for the men and women in our armed forces.

Mr. Speaker, I am pleased also to be an original cosponsor of H.R. 3213, what we call the USERRA Amendments Act of 1998. The measure is similar to H.R. 166, the Veterans' Job Protection Act that I introduced at the beginning of this Congress. It was clear to me that the 1996 Supreme Court decision that was referred to by Chairman Quinn would adversely affect members of the uniformed services employed by State governments and that legislation would be required to fix the problem.

H.R. 3213 will accomplish this goal and restore the employment and reemployment protections that have been provided for over 50 years to State employees who are also citizen-soldiers. There have already been at least two court decisions that rule against the veterans involved, so I am pleased that the House is now acting on this matter.

Mr. Speaker, since colonial days, the citizen-soldier has been one of America's oldest and most venerated military traditions; and members of the Reserve and National Guard are a critical component of our national defense. Since the adoption of the Total Force Policy in 1973, which recognized that all of America's military should be readily available to provide for the common defense, these men and women have been tasked with greater responsibility for nearly every phase of military preparedness.

□ 1515

We all remember the crucial role members of the Guard and Reserves played in the successful conduct of the Persian Gulf War and the sacrifices these individuals made to serve their country. Literally hundreds of thousands of our citizen soldiers, many with little more than 48 hours' notice, left their families and their jobs to answer their country's call to arms. Because the law protects veterans' reemployment rights, these brave men and women were able to contribute enormously to the Gulf War effort with the

assurance that their civilian employment would be available to them following their military service.

Mr. Speaker, as a result of the Supreme Court decision in 1996, members of the Guard and Reserves who are State employees were no longer to have that job protection provided for all other members of the uniformed services. The enactment of H.R. 3213 will restore this very important protection. I urge all my colleagues to support this legislation.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits.

Mr. QUINN. Mr. Speaker, I appreciate the gentleman yielding me this time to sort of speak a little bit out of turn, not on the topic of this bill but there is another bill that we were going to discuss today and we have not included it. That is H.R. 3039, the bill we call the Veterans Transitional Housing bill. We are not dealing with it today and will not until later this year because the Committee on the Budget has asked for more time to review the bill, which makes sense to me.

Mr. Speaker, we said in both the hearing which we held here in Washington and in a hearing held in Buffalo, New York late last year that a lot of Americans, indeed a lot of veterans are not aware that of all the homeless people in this country, fully one-third of them are veterans, people who have served their country at various points in our history and in their past. As we try to do whatever we can to bring services together to deal with this homelessness, particularly as it deals with veterans, there are a number of other Members here and certainly those on the committee who are concerned that this transitional housing bill, H.R. 3039, does come up later this year, possibly in May or June. I want to make certain the Committee on the Budget knows we will be working with them in every way possible to bring the bill up later this year.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ), a very able member of our committee.

Mr. RODRIGUEZ. Mr. Speaker, I rise in strong support of this bill which would advance the protections of the landmark Uniformed Services Employment and Reemployment Rights Act. Since 1940, USERRA has been the source of employment protection and remedies for veterans and reservists against all employers, government and private. Veterans and members of the armed services have had to fight for some of these rights in the courts. This bill addresses the problems which employees have faced against individual State employers and U.S. employers which control a foreign entity. I wish to focus on the provisions of H.R. 3213, which would expand veterans and uniformed service employment rights to employees in a foreign country working for an entity controlled by a U.S. company. Let me give my colleagues an example. We have individuals in the

maquiladoras right across the border in Mexico. If they are called into the service of this country, we want to make sure that those individuals will be able to keep their jobs when they return. This bill provides that if a U.S. employer controls that overseas entity where the reservist works, then any denial of employment, reemployment or benefits by that foreign entity will be actionable against the U.S. employer. Foreign countries should not worry about this law imposing on their sovereignty, since the bill specifically does not apply when employer compliance would violate the law of the foreign country in which the workplace is located.

Mr. Speaker, I also would add that every effort needs to be made to assure that these individuals that have given of themselves and that are called to defend this country and called to serve this country, to make sure when they get back that that particular job is there waiting for them. I welcome this legislation and commend the House for its swift passage. I want to thank both the chairman and the ranking member of the committee for their work on this measure.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume. Once again I would like to thank the gentleman from New York (Mr. QUINN) and the gentleman from California (Mr. FILNER), chairman and ranking member of the Subcommittee on Benefits as well as the gentleman from Illinois (Mr. EVANS), the ranking Democrat on the full committee for all their contributions to this bill. Once again this is a bipartisan bill. I urge all Members to support it.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 3213, a bill to clarify the enforcement of veteran's employment rights. This legislation clarifies the enforcement of veteran's employment rights in regards to state employers and extends these rights to veterans employed overseas by American companies.

More specifically, this bill makes certain procedural changes to the enforcement of the Uniformed Services Employment and Reemployment Rights Act (USERRA) in response to a 1996 Supreme Court decision which held that the 11th amendment precluded congressionally authorized suits by private parties against nonconsenting states.

In response to this decision, this bill substitutes the United States for an individual veteran as the plaintiff in enforcement actions in cases where the attorney general believes that a state has not complied with USERRA law.

Furthermore, this bill applies USERRA law to U.S. employers in foreign countries. It does allow an exception when employer compliance would violate the law of the country where the workplace is located. It also requires direct payment of any claim compensation which is considered lost wages, benefits, or liquidated damages and clarifies that the merit systems protection board has jurisdiction to hear complaints brought by federal employees without regard to when the complaint was filed.

Mr. Speaker, one of the most important benefits to those who serve in our nation's military

is veterans preference in future employment once they have left the armed forces. This legislation helps make this benefit more available to our veterans, who have earned it through their service to their country.

I urge my colleagues to join in supporting this worthwhile measure.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 3213, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SMALL BUSINESS INVESTMENT COMPANY TECHNICAL CORRECTIONS ACT OF 1998

Mr. TALENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3412) to amend and make technical corrections in title III of the Small Business Investment Act, as amended.

The Clerk read as follows:

H.R. 3412

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Investment Company Technical Corrections Act of 1998".

#### SEC. 2. TECHNICAL CORRECTIONS.

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 661) is amended—

(1) in section 303(g) (15 U.S.C. 683(g)), by striking subparagraph (13);

(2) in section 308 (15 U.S.C. 687) by adding at the end the following:

"(j) For the purposes of sections 304 and 305, in a case in which an incorporated or unincorporated business is not required by law to pay Federal income taxes at the enterprise level but is required to pass income through to its shareholders or partners, an eligible small business or smaller enterprise may be determined by computing the after-tax income of such business by deducting from the net income an amount equal to the net income multiplied by the combined marginal Federal and State income tax rate for corporations."; and

(3) in section 320 (15 U.S.C. 687m), by striking "6" and inserting "12".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. TALENT) and the gentleman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume. Let me start by thanking the gentleman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business. I appreciate

her assistance in moving the bill and her help in fashioning it.

Mr. Speaker, I will not take too long. This is a technical corrections bill. While it is important work, there is no reason to spend a great deal of time on it. The purpose of H.R. 3412 is to make certain technical amendments to title III of the Small Business Investment Act of 1958. Title III authorizes the Small Business Investment Company program. The small business investment companies are venture capital firms licensed by the Small Business Administration that use SBA guarantees to leverage private capital for investment in small businesses. The technical corrections proposed by H.R. 3412, as amended, will improve the flexibility of the SBIC program and allow increased access to this program by small businesses.

Congress revamped the SBIC program during the 103rd Congress to provide for a new form of leverage geared specifically toward equity investment in small businesses. Over the past few years as the new program has become established, certain deficiencies have come to light. In addition, certain statutory provisions have become obsolete. Moreover, the nature of the SBIC industry has changed. The result is a participating securities program that is made up primarily of smaller SBICs. The fact that these smaller SBICs are dominating the program points to shifting dynamics in the SBIC program. Smaller, start-up investments are more typical, and therefore the demand for SBA leverage has shifted to smaller individual placements.

H.R. 3412 seeks to correct these deficiencies and remove provisions that may produce confusion due to changes in law and the character of the SBIC program. Under H.R. 3412, a provision in the Small Business Investment Act that reserves leverage for smaller SBICs will be repealed. Changes in SBA policy regarding applications for leverage, statutory changes in the availability of commitments for SBICs and the makeup of the industry present the possibility that that provision may, unless repealed, create conflicts and confusion.

H.R. 3412 also modifies the test for determining the eligibility of small businesses for SBIC financing. Current statutory language does not account for small businesses organized in pass-through tax structures such as S corporations, limited liability companies, and certain partnerships. These small businesses do not pay taxes at the enterprise level, but instead pass through income and the ensuing tax liabilities to their partners and shareholders. Consequently, many of these small businesses face difficulties when the income test is applied to them, and are often declared ineligible for financing they should receive.

Finally, H.R. 3412 will allow the SBA greater flexibility in issuing trust certificates to finance the SBIC program's investments in small businesses. Cur-

rent law allows funding pools to be issued every 6 months or more frequently. This inhibits the ability of the SBICs and the SBA to form pools of certificates that are large enough to generate serious investor interest. Allowing more time between fundings will permit SBA and the industry to form larger pools for sale in the market, thereby increasing investor interest and improving the interest rates for the small businesses financed.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3412. I would like to thank the distinguished chairman of the Committee on Small Business for bringing this legislation to the floor. I urge my colleagues to support this bill, which makes corrections to the Small Business Investment Act and the Small Business Investment Company Program.

There is no question that the value of small business investment companies has been felt across this Nation. SBICs have invested nearly \$15 billion in long-term debt and equity capital to over 90,000 small businesses. Over the years, SBICs have given companies like Intel Corporation, Federal Express and America Online the push they needed to succeed. The result has been the creation of millions of jobs and billions of dollars in tax revenue. The bill before us today expands on that legacy by taking a good program and making it better.

The passage of H.R. 3412 will make the SBIC program even more efficient and responsive to the needs of small entrepreneurs. The changes made by this legislation will serve a number of important purposes. By giving the SBIC program greater flexibility in issuing investment guarantees, small businesses will be assured lower interest rates.

Second, H.R. 3412 clarifies SBA's role in ensuring equitable distribution and management of its participating securities to SBICs of all sizes. Finally, the bill confirms that small businesses, regardless of their chosen business form, are eligible for SBIC financing.

These changes are part of an ongoing process that will enable us to provide creative financing to more small businesses more efficiently. Last year alone SBICs invested over \$2.4 billion in over 2,500 small businesses. This bill will allow us to expand the scope of the SBIC program even further, allowing us to create more jobs and provide even greater economic opportunity to our Nation's small entrepreneurs.

I am pleased to join the distinguished chairman in support of the proposed corrections, and I am happy to be a co-sponsor of this legislation. I urge my colleagues to join me in supporting H.R. 3412.

Mr. Speaker, I yield back the balance of my time.

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume. This bill will have a real impact on the businesses in this country seeking start-up financing. At the end of the day, that is the most important part of our job. Let me again thank the gentlewoman from New York (Ms. VELÁZQUEZ) and her staff, Michael Day and Salomon Torres, for their assistance in moving this measure before us. Let me also extend my appreciation to my staff, particularly Emily Murphy, Harry Katrichis and Tee Rowe. Mr. Speaker, I urge my colleagues to support H.R. 3412.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and pass the bill, H.R. 3412, as amended.

The question was taken.

Mr. TALENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CONVEYANCE OF CERTAIN LANDS AND IMPROVEMENTS IN VIRGINIA

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3226) to authorize the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia, and for other purposes.

The Clerk read as follows:

H.R. 3226

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PURPOSE.

The purpose of this Act is to authorize the Secretary of Agriculture (referred to in this Act as the "Secretary") to sell or exchange all or part of certain administrative sites and other lands in the George Washington National Forest and the Jefferson National Forest, and to use the value derived therefrom to acquire a replacement site and to construct on the site suitable improvements for national forest administrative purposes.

#### SEC. 2. SALE OR EXCHANGE OF LAND.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the approximately 368 acres contained in the following tracts of land situated in the State of Virginia:

(1) Tract J-1665 (approximately 101 acres), as shown on the map titled "Natural Bridge Juvenile Corrections Center, February 4, 1998".

(2) Tract G-1312a (approximately 214 acres), Tract G-1312b (approximately 2 acres), and Tract G1312a-I (approximately 10 acres), as shown on the plat titled "George Washington National Forest, Alleghany Construction Company, (1312a,-I,b), Alleghany County, Virginia, June 1936".

(3) Tract G-1709 (approximately 23 acres), as shown on the plat titled "James C. Doyle, Alleghany County, Virginia, April 13, 1993".

(4) Tract G-1360 (consisting of Lots 31 and 32; approximately .29 acres), Tract G-1361

(consisting of Lots 29 and 30; approximately .29 acres), Tract G-1362 (consisting of Lots 22, 23, and 24; approximately .43 acres), and Tract G-1363 (consisting of Lot 21; approximately .14 acres), as shown on the plat titled "Dry River Road, George Washington National Forest, Warehouse Site, Bridgewater, Rockingham County, Virginia, July 1936".

(5) Tract G-1524 (consisting of Lot 13; approximately .13 acres), as shown on the plat titled "Vertie E. Beery Tract, Rockingham County, Virginia, February 3, 1966".

(6) Tract G-1525 (consisting of Lots 11 and 12; approximately .26 acres), as shown on the plat titled "Charles F. Simmons Tract 1525, Rockingham County, Virginia, February 3, 1966".

(7) Tract G-1486 (consisting of Lots 14, 15, and 16; approximately .39 acres), as shown on the plat shown at Deed Book 133, Page 341 Rockingham Virginia Records of the D.S. Thomas Inc. Addition, Town of Bridgewater.

(8) Tract N-123a (consisting of Lots 7 and 8; approximately .287 acres), as shown on the plat titled "George Washington Forest. A.M. Rucker, Tract N-123a, Buena Vista, Virginia".

(9) Tract N-123b (consisting of Lots 5 and 6; approximately .287 acres), as shown on the plat titled "George Washington Unit, A.M. Rucker, N-123b, Rockbridge County, Virginia, city of Buena Vista, dated 1942".

(10) Tract G-1417 (approximately 1.2 acres), as shown on the plat titled "George Washington Unit, R.A. Warren, Tracts (1417-1417a), Bath County, Virginia, May 1940".

(11) Tract G-1520 (approximately 1 acre), as shown on the plat titled "Samuel J. Snead Tract, Bath County, Virginia, February 3, 1966".

(12) Tract G-1522a (approximately .65 acres), as shown on the plat titled "Charles N. Loving Tract, Bath County, Virginia, February 3, 1966".

(13) Tract G-1582 (approximately .86 acres), as shown on the plat titled "Willie I. Haynes Tract, Bath County, Virginia, January 1974".

(14) Tract G-1582a (approximately .62 acres), as shown on the plat titled "Willie I. Haynes, Bath County, Virginia, January 1979".

(15) Tract G-1673 (approximately 1.69 acres), as shown on the plat titled "Erwin S. Solomon Tract, Bath County, Virginia, September 15, 1970".

(16) Tract J-1497 (approximately 2.66 acres), as shown on the plat titled "James A. Williams, Tract 1497, January 24, 1990".

(17) Tract J-1652 (approximately 1.64 acres), as shown on the plat titled "United States of America, Tract J-1652, Buchanan Magisterial District, Botetourt County, Virginia, September 4, 1996".

(18) Tract J-1653 (approximately 5.08 acres), as shown on the plat titled "United States of America, Tract J-1653, Peaks Magisterial District, Bedford County, Virginia, November 4, 1996".

The Secretary may acquire land, and existing or future administrative improvements, in consideration for the conveyance of the lands designated in this subsection.

(b) **APPLICABLE AUTHORITIES.**—Except as otherwise provided in this Act, any sale or exchange of all or a portion of the lands designated in subsection (a) shall be subject to existing laws, rules, and regulations applicable to the conveyance and acquisition of lands for National Forest System purposes.

(c) **CASH EQUALIZATION.**—Notwithstanding any other provision of law, the Secretary may accept cash equalization payments in excess of 25 percent of the total value of the lands designated in subsection (a) from any exchange authorized by subsection (a).

(d) **SOLICITATIONS OF OFFERS.**—In carrying out this Act, the Secretary may use public

or private solicitations of offers for sale or exchange on such terms and conditions as the Secretary may prescribe. The Secretary may reject any offer if the Secretary determines that the offer is not adequate or not in the public interest.

### SEC. 3. DISPOSITION OF FUNDS.

Any funds received by the Secretary through sale or by cash equalization from an exchange shall be deposited into the fund provided by the Act of December 4, 1967 (16 U.S.C. 484a), commonly known as the Sisk Act, and shall be available for expenditure, upon appropriation, for—

(1) the acquisition of lands, and interests in the lands, in the State of Virginia; and

(2) the acquisition or construction of administrative improvements in connection with the George Washington and Jefferson National Forests.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Virginia (Mr. GOODE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise in support of H.R. 3226, my bill to convey administrative and other lands in the George Washington and Jefferson National Forests and to utilize the value derived therefrom to acquire replacement sites, where appropriate, and suitable improvements for national forest administrative purposes.

H.R. 3226 grants authority for the Forest Service to sell 200 acres of land adjacent to U.S. Interstate 64 to the Allegheny Highlands Economic Development Authority for purposes of developing a corporate area catering to high tech companies.

□ 1550

It will be named Innovation Park. Innovation Park should prove to have a positive economic impact by bringing high-tech jobs to those living in the rural areas. This project will not only address a need for good high-paying jobs but also for additional transportation, water, and wastewater system development and improvement.

An environmental impact review is currently underway. Preliminary results indicate that Innovation Park will not adversely impact any habitats for plant or animal life. A public notice of environmental assessment was issued in January and not a single complaint has been registered.

Mr. Speaker, let me say that I have had the opportunity to visit this site in Allegheny County in my congressional district. It is an ideal location for a transfer of land from the National Forest Service to this economic development authority because this land is not contiguous with any other land in the national forest and it is located in a place where it is particularly suitable for economic development, right along an interstate highway.

The plans for this particular park are very exciting for this area of my district, which is a rural area and which needs to have the kind of high-tech

jobs that this park we think will draw to the Allegheny Highlands, one of the most beautiful areas in the entire country, one that has a very high quality of life and is in need of higher-paying jobs.

My bill also transfers the Natural Bridge Juvenile Correction Center from the Forest Service to the Commonwealth of Virginia, along with nearly 20 other administrative land tracts or land tracts that lost their natural forest character because of proximity to interstate highways. The largest of these tracts is 1.69 acres, but the majority of them are about a third of an acre. They are either residential sites, vacant lots or the lands are not manageable as forestlands and are no longer necessary for administrative purposes.

The Forest Service does not object to the land transfers and has been very cooperative in this attempt to gain transfer authority. They believe that the property included in my bill is more conducive to economic development than forest management and therefore are anxious to remove it from their need to manage inventory.

I would like to offer special recognition to Glynn Loope, the executive director of the Economic Development Authority. The Innovation Park project would not have made it as far as it has without his perseverance and enthusiasm.

This is just the first step in a long journey to bring major economic and high-tech development to the Allegheny Highlands as well as the greater Rockbridge area, Bath, Botetourt, and Craig counties in Virginia. I am proud to sponsor and support this bill. I am confident of its success and look forward to being of continued assistance to the Innovation Park project.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODE. Mr. Speaker, I yield myself such time as I may consume. I rise in support of H.R. 3226 authorizing the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia. I would like to begin by commending the gentleman from Virginia (Mr. GOODLATTE) for his leadership and hard work on this legislation. This bill will clear the way for George Washington and Jefferson National Forests to sell 368 acres to the Commonwealth of Virginia in exchange for cash and land. All sales or exchanges would be for fair market value.

The Natural Bridge Juvenile Correctional Center is located in Rockbridge County. It has been under the maintenance and supervision of the Commonwealth since 1964 and, having seen that facility, in my opinion it is highly appropriate that it be conveyed to the Commonwealth.

This legislation also authorizes the sale of over 200 acres along Interstate 64. This tract will be sold to the Allegheny Highland Economic Development Authority which will develop the



land into a separate area called Innovative Park. Additionally, this bill authorizes the sale of several other small tracts of land which are close to I-64 and which have lost their natural forest characteristics. The proceeds from the sale will be used for the acquisition of other lands in Virginia that still have forest characteristics.

The George Washington National Forest, the Jefferson National Forest and the U.S. Forest Service have expressed their support for this legislation. I strongly support the measure and urge its passage by the House.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume simply to thank my colleague from my neighboring district for his support for this legislation, which hopefully will also yield some benefits further across the State to his district as well. This is something that is responsible use of National Forest Service land and good for economic development in Virginia, it is something that has the strong support of the National Forest Service, and I urge my colleagues to adopt this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 3226.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3226, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

#### CORRECTING A PROVISION RELATING TO TERMINATION OF BENEFITS FOR CONVICTED PERSONS

The Clerk called the bill (H.R. 3096) to correct a provision relating to termination of benefits for convicted persons.

The Clerk read the bill, as follows:

H.R. 3096

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CORRECTION.

Section 8148(a) of title 5, United States Code, is amended by striking "a receipt" and inserting "or receipt".

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from New York (Mr. OWENS) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I yield myself such time as I may consume.

The subject of H.R. 3096 is the Federal Employees Compensation Act. The Federal Employees Compensation Act is a good statute, it is an important one, it makes sure that when Federal employees are injured in the line of work that their lost wages are made up by the Federal Government and that their medical bills are paid for. It is a program that has been in place for a long time and it is one that we need to have, of course.

There are some problems with this program in my view. We are now spending \$1.9 billion a year to pay for the costs of 270,000 Federal workers. There are some changes that I will propose at a future date. We had a hearing on those changes this morning. But today, for Corrections Day, we are considering H.R. 3096, which unlike some of the other more controversial changes that I will propose, is noncontroversial and enjoys bipartisan support.

The loophole that we are trying to close with this Corrections Day Calendar has to do with the following:

Under the current law, if an individual files a valid claim for an injury during the course of Federal employment and then subsequently files a false claim or false follow-up information and is convicted and may even go to jail, under that scenario that individual can still, believe it or not, receive every 4 weeks a Federal workers' compensation check from the very funds supported by the taxpayers that that individual has defrauded.

We are going to simply change one word, change the word "a" to "or" so that we make sure that an individual will be ineligible to receive workers' compensation funds whether they had committed the initial fraud at the first claim or any subsequent fraud thereafter.

It is a good bill, it is an important thing to do to make the system have a bit more integrity. It has bipartisan support. It is supported by the Department of Labor and the Department of Labor's Office of Inspector General, and I would urge an aye vote.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. GREENWOOD), the sponsor of H.R. 3096, and the Inspector General of the Department of Labor who recommended that we make this correction to the

statute. The statute as presently drafted and the parallel language in the Federal Criminal Code differ, creating a discrepancy in the law which could have been interpreted to allow persons to receive FECA benefits on the basis of fraudulent information. The legislation before us makes a minor technical correction, changing an "a" to an "or." This will ensure that persons who commit fraud and the receipt of FECA benefits would lose their entitlements to such benefits.

I am pleased to support this legislation and again I commend the sponsor, the gentleman from Pennsylvania (Mr. GREENWOOD), for bringing it before us.

Mr. Speaker, I reserve the balance of my time.

Mr. GREENWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, as Chairman of the Corrections Advisory Group, I rise today in full support of the legislation of the gentleman from Pennsylvania (Mr. GREENWOOD), H.R. 3096. This is truly a technical correction, and it is fitting for the bill to be considered on the Corrections Calendar.

Mr. Speaker, our Nation's laws are complex and sometimes confusing, and when someone interprets the law, one word can make a difference. In this case, the inconsistent use of one word and the thousands of words that make up our laws called into question the law's application to certain individuals.

The gentleman from Pennsylvania (Mr. GREENWOOD) recognized this inconsistency and quickly acted to make a change. He contacted the Corrections Advisory Group, which moved to correct the problem. The bill ensures that no Federal employee can lie on a benefit application or any subsequent request for information and get away with it.

The Corrections Calendar was created to fix small, technical corrections such as this, and I am pleased the bill has made its way to the House floor so quickly.

I would like to thank the gentleman from Pennsylvania for introducing this bill and for utilizing the Corrections Advisory Group, and I urge my colleagues to support the bill.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman from New York (Mr. OWENS) for his bipartisan support of this legislation. I want to thank the full committee chairman, the gentleman from Pennsylvania (Mr. GOODLING), and the Subcommittee on Workforce Protection chairman, the gentleman from North Carolina (Mr. BALLENGER), for their support of H.R. 3096 and for moving it so quickly through the committee. I would also like to again express my appreciation to the gentleman from New York (Mr. OWENS) and the gentleman from Missouri (Mr. CLAY), as well as the Members on both sides of the aisle and, as well, the Corrections Day committee for their support of H.R. 3096.



Mr. Speaker, I yield back the balance of my time.

Mr. OWENS. Mr. Speaker, I have no additional speakers and I, too, yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. GREENWOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed.

#### GENERAL LEAVE

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 3096.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3096, CORRECTING A PROVISION RELATING TO TERMINATION OF BENEFITS FOR CONVICTED PERSONS

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3096, the Clerk be authorized to make such technical and conforming changes that will be necessary to correct such things as spelling, punctuation, cross-referencing, and section numbering.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### AVIATION MEDICAL ASSISTANCE ACT OF 1998

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2843) to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2843

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Medical Assistance Act of 1998".

##### SEC. 2. MEDICAL KIT EQUIPMENT AND TRAINING.

Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall reevaluate regulations regarding (1) the equipment required to be carried in medical kits of aircraft operated by air carriers, and (2) the training required of flight attendants in the use of such equipment, and, if the Administrator determines that such regulations should be modified as a result of such reevaluation, shall issue a notice of proposed rulemaking to modify such regulations.

##### SEC. 3. REPORTS REGARDING DEATHS ON AIRCRAFT.

(a) IN GENERAL.—During the 1-year period beginning on the 90th day following the date of the enactment of this Act, a major air carrier shall make a good faith effort to obtain, and shall submit quarterly reports to the Administrator of the Federal Aviation Administration on, the following:

(1) The number of persons who died on aircraft of the air carrier, including any person who was declared dead after being removed from such an aircraft as a result of a medical incident that occurred on such aircraft.

(2) The age of each such person.

(3) Any information concerning cause of death that is available at the time such person died on the aircraft or is removed from the aircraft or that subsequently becomes known to the air carrier.

(4) Whether or not the aircraft was diverted as a result of the death or incident.

(5) Such other information as the Administrator may request as necessary to aid in a decision as to whether or not to require automatic external defibrillators in airports or on aircraft operated by air carriers, or both.

(b) FORMAT.—The Administrator may specify a format for reports to be submitted under this section.

##### SEC. 4. DECISION ON AUTOMATIC EXTERNAL DEFIBRILLATORS.

(a) IN GENERAL.—Not later than 120 days after the last day of the 1-year period described in section 3, the Administrator of the Federal Aviation Administration shall make a decision on whether or not to require automatic external defibrillators on passenger aircraft operated by air carriers and whether or not to require automatic external defibrillators at airports.

(b) FORM OF DECISION.—A decision under this section shall be in the form of a notice of proposed rulemaking requiring automatic external defibrillators in airports or on passenger aircraft operated by air carriers, or both, or a recommendation to Congress for legislation requiring such defibrillators or a notice in the Federal Register that such defibrillators should not be required in airports or on such aircraft. If a decision under this section is in the form of a notice of proposed rulemaking, the Administrator shall make a final decision not later than the 120th day following the date on which comments are due on the notice of proposed rulemaking.

(c) CONTENTS.—If the Administrator decides that automatic external defibrillators should be required—

(1) on passenger aircraft operated by air carriers, the proposed rulemaking or recommendation shall include—

(A) the size of the aircraft on which such defibrillators should be required;

(B) the class flights (whether interstate, overseas, or foreign air transportation or any combination thereof) on which such defibrillators should be required;

(C) the training that should be required for air carrier personnel in the use of such defibrillators; and

(D) the associated equipment and medication that should be required to be carried in the aircraft medical kit; and

(2) at airports, the proposed rulemaking or recommendation shall include—

(A) the size of the airport at which such defibrillators should be required;

(B) the training that should be required for airport personnel in the use of such defibrillators; and

(C) the associated equipment and medication that should be required at the airport.

(d) LIMITATION.—The Administrator may not require automatic external defibrillators on helicopters and on aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less.

(e) SPECIAL RULE.—If the Administrator decides that automatic external defibrillators should be required at airports, the proposed rulemaking or recommendation shall provide that the airports are responsible for providing the defibrillators.

##### SEC. 5. LIMITATIONS ON LIABILITY.

(a) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the air carrier in obtaining or attempting to obtain the assistance of a passenger in an in-flight medical emergency, or out of the acts or omissions of the passenger rendering the assistance, if the passenger is not an employee or agent of the carrier and the carrier in good faith believes that the passenger is a medically qualified individual.

(b) LIABILITY OF INDIVIDUALS.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the individual in providing or attempting to provide assistance in the case of an in-flight medical emergency unless the individual, while rendering such assistance, is guilty of gross negligence or willful misconduct.

##### SEC. 6. DEFINITIONS.

In this Act—

(1) the terms "air carrier", "aircraft", "airport", "interstate air transportation", "overseas air transportation", and "foreign air transportation" have the meanings such terms have under section 40102 of title 49, United States Code;

(2) the term "major air carrier" means an air carrier certificated under section 41102 of title 49, United States Code, that accounted for at least 1 percent of domestic scheduled-passenger revenues in the 12 months ending March 31 of the most recent year preceding the date of the enactment of this Act, as reported to the Department of Transportation pursuant to part 241 of title 14 of the Code of Federal Regulations; and

(3) the term "medically qualified individual" includes any person who is licensed, certified, or otherwise qualified to provide medical care in a State, including a physician, nurse, physician assistant, paramedic, and emergency medical technician.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. LIPINSKI) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Subcommittee on Aviation and the full Committee on Transportation and Infrastructure unanimously approved the Aviation Medical Assistance Act, H.R. 2843, on March 5 and March 11 respectively. Medical equipment aboard commercial aircraft have not been reviewed in over 13 years, until the Subcommittee on

Aviation held a hearing last year. We heard from several expert witnesses in aviation medical equipment, including the FAA air surgeon, Dr. Jon Jordan, Dr. Russell Rayman from the Aerospace Medical Association, Dr. David McKenas from American Airlines, and several other well informed and knowledgeable witnesses. We heard very dramatic and moving testimony from family members who had loved ones who had died after experiencing medical problems during plane trips.

From this testimony we basically heard three overriding things: One, we need to improve our medical equipment on aircraft; two, there is no reliable data on the number of in-flight medical emergencies; and three, a Good Samaritan provision should be incorporated into any bill.

Before I go on, let me say that I am very encouraged by the increasing number of U.S. airlines that have voluntarily placed or have begun to place defibrillators and other improved medical equipment on board their aircraft. American Airlines, Delta, United, Alaska Air and American Trans Air should all be commended for their efforts to provide passengers with the best possible care and the best medical equipment available. In fact, it is my understanding that these defibrillators have already saved the lives of at least two passengers just within the last few months.

And I should point out that in 1997, 640 million people flew in the United States, and the FAA predicts that almost 1 billion passengers will fly commercially in the United States by the year 2007.

□ 1545

These enormous increases in passenger traffic will almost undoubtedly lead to an increase in the number of in-flight medical emergencies. There are those who prefer to see these defibrillators mandated by the FAA. I must admit that we gave this some thought, mainly because the American Heart Association tells us that more than 1,000 Americans suffer from sudden cardiac arrest each day, and this is bound to increase with the aging of the American population.

We went back and reviewed testimony from our witnesses who expressed concerns about the lack of reliable data on medical emergencies and a concern about what sizes or types of aircraft could accommodate these medical devices.

So this is basically why we are here today with H.R. 2843, which I have sometimes referred to as the Good Samaritan in the Skies bill.

H.R. 2843 has four components. First, it requires the FAA, not later than 1 year after enactment of the bill, to reevaluate regulations regarding the equipment required to be carried in medical kits and first-aid training, medical emergency training required by flight attendants.

Secondly, it requires air carriers to submit reports to the FAA on the num-

ber of deaths on board aircraft, age of the person, and whether or not the aircraft was diverted as a result of the death or incident.

Third, it also requires the FAA, based upon data gathered over the year period, to determine whether or not automatic external defibrillators should be required on commercial passenger airplanes and at airports.

Fourth, and finally, and I think very importantly, the bill limits liability for an air carrier, should the flight attendant or crew in good faith believe that the passenger rendering assistance is a medically qualified individual such as a doctor, nurse, or paramedic.

It also limits liability for the passenger rendering assistance unless he or she is found guilty of gross negligence or willful misconduct.

This legislation will enable the needed information to be properly gathered and analyzed so that the FAA can make a proper and informed decision on what types of additional equipment should be required for air passenger carriers.

This is a good bill, Mr. Speaker, that every Member of the House can support. And I urge its passage.

Lastly, I want to thank my good friend, the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation. He is truly a man with a good and kind heart. He really tries to help people.

I have heard it said, and I believe it to be true, that no committee or subcommittee in this Congress has a chairman and ranking member who get along and work together better than the gentleman from Illinois and I do. I thank him for his support on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield myself the amount of time I may consume.

Mr. Speaker, first of all, I want to thank the gentleman from Tennessee (Mr. DUNCAN) for introducing such an important bill. After our excellent Subcommittee on Aviation hearing on this issue last session, it was obvious that something needed to be done to address the increasing number of medical emergencies in the sky. I am proud to be an original cosponsor of H.R. 2843, the Aviation Medical Assistance Act.

The number of airline passengers traveling both domestically and internationally is growing by leaps and bounds each year. As more people fly, and fly longer distances, there is a greater chance of serious medical emergencies occurring during flight.

Unfortunately, because the Federal Aviation Administration does not require airlines to report the number of in-flight medical emergencies, we can only make an educated guess that the number of medical emergencies has increased each year with the number of airline passengers.

Fortunately, the Aviation Medical Assistance Act will require major air-

lines to report their on-board medical incidents to the FAA. This reporting requirement will provide data on the number and types of in-flight medical emergencies.

This data can then be used to determine exactly what the major airlines need to have on board to help prevent the most common types of in-flight medical emergencies. Without this data provided by this reporting requirement, the airlines and the FAA would have to continue to guess about how to best prevent an in-flight medical tragedy.

H.R. 2843 also directs the FAA to use the in-flight medical incident data reported by the airlines to determine whether to require defibrillators aboard aircraft and, if so, what type of aircraft.

Recent technology improvements have made defibrillators portable, compact, and easy to use. In fact, at the Subcommittee on Aviation hearing last May, we saw the new smaller defibrillator, and it is amazing how easy this lifesaving device is to use.

Several major air carriers have already agreed to voluntarily place defibrillators on their aircraft. I want to commend American Airlines, Delta Airlines, United, and Alaskan Airlines for voluntarily taking this step forward in passenger safety.

I believe that the FAA will quickly see from the in-flight medical data that defibrillators are lifesaving devices that should be required on all major carriers and at all major airports. Hopefully, the FAA will act quickly and make a decision to require defibrillators on all major carriers in the near future.

Finally, the bill includes a Good Samaritan provision. This provision would protect from legal liability the Good Samaritan, such as the doctor on board the flight who volunteers to help in a medical emergency.

When a medical emergency happens during flight, the flight crew must often rely on the help of passengers who are medical professionals. Unfortunately, many doctors on board are often weary of volunteering their services for fear of being sued.

This Good Samaritan provision protects passengers who volunteer to help, unless, of course, they are grossly negligent or engaged in willful misconduct. The Good Samaritan provision also generally protects the airlines from legal liability for the actions of their passengers.

When passengers get on a plane, they assume that they will be safe. H.R. 2843, the Aviation Medical Assistance Act, will make sure that all passengers are safe when they board a plane. H.R. 2843 will help ensure that in-flight medical emergencies do not become in-flight medical tragedies.

Again, I am a proud cosponsor of this bill, and I want to urge all of my colleagues to vote yes on this very important piece of legislation.

Mr. Speaker, I yield as much time as she may consume to the young gentlewoman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY of Connecticut. Mr. Speaker, I thank the gentleman from Illinois for that compliment.

Mr. Speaker, I rise today in support of this legislation which will provide American air travelers with a vital margin of safety that they need so much.

It was not that long ago, a little over a year ago, that I was traveling on a plane one evening, and a gentleman came down the aisle and he fell face forward and was unconscious. It did not seem it was my imagination, but it seemed that the flight attendants were going in opposite directions. Then a call was put out for a doctor on the plane.

There was no doctor on the plane, unfortunately. But, fortunately, there was a nurse on the plane, and she came to the assistance of the passenger. At one point, she called for the first-aid box. The box came, she opened it, and there were just a few bandages in it and something that looked like something for a toothache, and very little else. She found nothing that could help her in her assistance at that time.

It was shortly after this, Mr. Speaker, that I introduced legislation to require airlines to carry automatic electronic defibrillators on all flights. This legislation was prompted by a visit from one of my constituents, Mrs. Lynn Talit, who came to see me in Washington shortly after this occasion that happened to me on an airline, to tell me that her husband had suffered a heart attack during a flight.

The facts were devastating, and I felt very badly for Mrs. Talit. She told me her husband had died. She had a terrible time finding information about exactly when he had died, what were the circumstances after his death, what had occurred during the illness. And yet she was a very brave woman and she persevered to find out all this information. Then she felt that she really should help others who had loved ones who suffer heart attacks on an air flight.

Since then, of course, we have learned that this experience is one that happens to others. In fact, newspapers, since this problem has come to light, have chronicled both a sudden death of a young woman aboard a plane not long ago and the use of an AED to save another passenger's life.

So now that we have highlighted the situation that people do, in fact, have heart attacks on planes, as they have heart attacks everywhere else, and that if we have an automatic defibrillator on the plane, it could save a passenger's life.

This constituent of mine had the good fortune to go see the gentleman from Tennessee (Mr. DUNCAN) and told her story to him. He was marvelous about making it possible to have a hearing on this situation of people be-

coming ill on airlines, and the fact that if an automatic defibrillator is available lives can be saved.

Chairman DUNCAN held a hearing and my constituent was able to testify at that hearing, and I think now we have evidence to justify requiring AEDs on all flights.

This bill that the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. LIPINSKI) have brought forth will move this decision in the right direction by giving FAA 1 year to make the decision. In other words, the added margin of safety passengers deserve may be only a year away.

What I am saying today is that I think we have a situation where we should have an automatic electronic defibrillator on every flight. American Airlines actually has said that they intend to do this. Other airlines are coming to this practical decision.

But in the meantime, this study that the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. LIPINSKI) is bringing forth will make it possible for us to address the whole idea of health and safety on airlines, making sure that first-aid box has in it what is necessary to assist passengers.

By the way, we have come a long way, probably as has been mentioned before on the floor, that airline attendants, beginning after World War I, when we first had airline attendants, were required to have nurse's training. We have gone all the way from having nurse's training as a requirement to having a sick person sick on a plane without an adequate first aid box. We can understand why the airline attendants are concerned when a passenger becomes ill because they do not have the training to take care of a sick passenger, and they know it.

All of us in this room travel by air quite often, and if we are sick we certainly hope that there is a doctor on board, but more importantly, we hope there is trained personnel to help us till the plane lands.

I hope in the name of my constituent that an automatic electric defibrillator gets on every plane so that, in fact, if there is a serious heart attack, if, in fact, there is heart failure, every individual will have a chance to have the necessary help available to save his or her life. It makes good sense to have automatic electronic defibrillators on all planes. Thank you Mr. Speaker.

Mr. LIPINSKI. Mr. Speaker, I yield myself as much time as I may consume to close for our side.

I simply want to say this is really a very important piece of legislation and a piece of legislation that will help make the skies much safer than they are at the present time.

I want to compliment the gentleman from Tennessee (Mr. DUNCAN), chairman of the Subcommittee on Aviation. As usual, he has been enormously generous in sharing the credit on this bill with everybody else on the subcommit-

tee. His usual cooperation has once again been there. It is a pleasure and a great opportunity, really, for me to continue to work with him on the Subcommittee on Aviation.

Mr. Speaker, I yield back the balance of our time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to close by once again thanking the gentleman from Illinois (Mr. LIPINSKI), but also I want to thank the gentlewoman from Connecticut (Mrs. KENNELLY), who is a cosponsor of this legislation.

I mentioned in my statement a few minutes ago the very moving and dramatic testimony that we heard from two family members, one of whom was her constituent. I can tell my colleagues that I do not believe we would be as far along on this legislation today, where we are at this moment, if it was not for the gentlewoman from Connecticut (Mrs. KENNELLY). And I appreciate her work.

This is a good bill. This bill is going to lead to better medical equipment on airlines throughout this Nation. It is going to lead to better medical training for airline personnel. It is going to lead to the first ever Good Samaritan law in the skies so that passengers who have medical training can provide much-needed assistance during medical emergencies.

When we add all of those things together, I think this is very important legislation. It is very good legislation. It is legislation that all Members of this Congress can point to with pride and support enthusiastically.

Mr. OBERSTAR. Mr. Speaker, I support H.R. 2843, the Aviation Medical Assistance Act, and I urge our colleagues to vote for it today. I commend Chairman DUNCAN and Congressman LIPINSKI for working closely together in a nonpartisan fashion to develop a bill that was reported out of the Committee with no dissenting votes.

Other speakers have done a good job of explaining the legislation. This bill will move us along the road to an industry standard that will require the carriage of heart defibrillator equipment on airliners.

I firmly believe that if there is safety technology available and some in the industry are utilizing it to good benefit, then there is little reason not to require all of the industry to take similar steps. The traveling public expects that when they board an airliner that there will be equivalent levels of safety.

I want to strongly commend those airlines, Delta, American, Alaska, and United, for recognizing the need, being forward-thinking enough to recognize new developments in medical technology, and taking the initiative to carry defibrillators without waiting for the government to require them. It is because of these sorts of steps that these particular airlines are widely recognized and appreciated as leaders in aviation safety.

This bill, if enacted this year, will likely lead us to a rule about two years from now, requiring defibrillators on airline aircraft. Given the fact that the three largest carriers and Alaska Airlines are already instituting programs for this life-saving equipment, I believe that the

rest of the industry and the Federal Aviation Administration need not and should not take all of this time to decide that all aircraft be equipped.

In the area of liability, this bill takes a very reasoned and narrow approach in protecting airlines from liability. An airline will not be liable for its selection of a passenger to use the defibrillator equipment, if the airline, in good faith, believed that the person was qualified to use the equipment. Other than that, the airline's liability remains the same as it is today.

The bill also provides "Good Samaritan" protections for the individual using the equipment, so long as they are not grossly negligent or engaged in willful misconduct.

Again, Mr. Speaker, I urge an "aye" vote on this bill.

Mr. DUNCAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 2843, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1400

#### GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2843, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 1 minute p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 5 o'clock and 2 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on the approval of the Journal, on each motion to suspend the rules on which further proceedings were postponed earlier today, and then on the bill on the Corrections Calendar, in the order in which that motion was entertained.

Votes will be taken in the following order: approval of the Journal, de novo; H.R. 3211, by the yeas and nays; H.R. 3412, by the yeas and nays; and H.R. 3096, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

#### THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CAMP. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 368, nays 40, not voting 23, as follows:

[Roll No 64]

YEAS—368

Abercrombie  
Ackerman  
Aderholt  
Allen  
Andrews  
Archer  
Armey  
Bachus  
Baesler  
Baker  
Baldacci  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Barrett (WI)  
Bartlett  
Barton  
Bass  
Bateman  
Bentsen  
Bereuter  
Berman  
Berry  
Bilbray  
Bilirakis  
Bishop  
Blagojevich  
Bliley  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonior  
Boswell  
Boucher  
Boyd  
Brady  
Brown (FL)  
Brown (OH)  
Bryant  
Bunning  
Burr  
Burton  
Callahan  
Calvert  
Camp  
Campbell  
Canady  
Cardin  
Carson  
Castle  
Chabot  
Chambliss

Christensen  
Clayton  
Clement  
Coble  
Coburn  
Collins  
Combest  
Condit  
Conyers  
Cook  
Cox  
Coyne  
Cramer  
Crapo  
Cubin  
Cummings  
Cunningham  
Danner  
Davis (FL)  
Davis (IL)  
Davis (VA)  
DeGette  
Delahunt  
DeLauro  
DeLay  
Deutsch  
Dickey  
Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehrlich  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Ewing  
Farr  
Fattah  
Fawell  
Foley  
Forbes  
Ford  
Fossella  
Fowler

Frank (MA)  
Franks (NJ)  
Frelinghuysen  
Frost  
Furse  
Gallegly  
Ganske  
Gejdenson  
Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Goode  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Granger  
Green  
Greenwood  
Hall (OH)  
Hall (TX)  
Hamilton  
Hansen  
Hastert  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Hefley  
Hefner  
Herger  
Hinchey  
Hinojosa  
Hobson  
Hoekstra  
Holden  
Horn  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
John  
Johnson (CT)  
Johnson (WI)

Johnson, Sam  
Jones  
Kanjorski  
Kaptur  
Kasich  
Kelly  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Kilpatrick  
Kim  
Kind (WI)  
King (NY)  
Klingston  
Klecza  
Klink  
Klug  
Knollenberg  
Kolbe  
LaFalce  
LaHood  
Lampson  
Lantos  
Largent  
Latham  
LaTourette  
Lazio  
Leach  
Levin  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
Livingston  
Lofgren  
Lowey  
Lucas  
Luther  
Maloney (CT)  
Manton  
Markey  
Martinez  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDade  
McGovern  
McHale  
McHugh  
McInnis  
McIntosh  
McIntyre  
McKeon  
McKinney  
Meehan  
Meek (FL)  
Meeks (NY)  
Metcalf  
Mica  
Millender-  
McDonald  
Miller (CA)  
Miller (FL)  
Minge  
Mink

Moakley  
Mollohan  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Neal  
Nethercutt  
Neumann  
Ney  
Northup  
Norwood  
Nussle  
Obey  
Olver  
Ortiz  
Owens  
Oxley  
Packard  
Pallone  
Pappas  
Parker  
Pascarell  
Pastor  
Paul  
Paxon  
Pease  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Pombo  
Pomeroy  
Porter  
Portman  
Poshard  
Price (NC)  
Pryce (OH)  
Quinn  
Radanovich  
Rahall  
Redmond  
Regula  
Reyes  
Riggs  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rothman  
Roukema  
Roybal-Allard  
Rush  
Ryun  
Salmon  
Sanchez  
Sanders  
Sandlin  
Sanford  
Sawyer  
Saxton  
Scarborough  
Schaefer, Dan

NAYS—40

Becerra  
Borski  
Brown (CA)  
Clay  
Clyburn  
Costello  
Crane  
DeFazio  
Ehlers  
Ensign  
Fazio  
Filner  
Fox  
Gutierrez

Gutknecht  
Hill  
Hilleary  
Hilliard  
Johnson, E. B.  
Kucinich  
Lewis (GA)  
LoBiondo  
Maloney (NY)  
McNulty  
Menendez  
Moran (KS)  
Oberstar  
Pickett

NOT VOTING—23

Buyer  
Cannon  
Capps  
Chenoweth  
Cooksey  
Deal  
Diaz-Balart  
Gonzalez

Harman  
Hookey  
Inglis  
Jefferson  
Manzullo  
McDermott  
Payne  
Rangel

Scott  
Sensenbrenner  
Serrano  
Shadegg  
Shaw  
Shays  
Sherman  
Shimkus  
Shuster  
Sisisky  
Skaggs  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Smith, Adam  
Smith, Linda  
Snowbarger  
Snyder  
Solomon  
Souder  
Spence  
Stabenow  
Stearns  
Stenholm  
Stokes  
Strickland  
Stump  
Sununu  
Talent  
Tanner  
Tauscher  
Tauzin  
Taylor (NC)  
Thomas  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tierney  
Torres  
Towns  
Traficant  
Turner  
Upton  
Velazquez  
Vento  
Visclosky  
Walsh  
Watkins  
Watt (NC)  
Watts (OK)  
Waxman  
Weldon (FL)  
Weldon (PA)  
Wexler  
Weygand  
White  
Whitfield  
Wise  
Wolf  
Woolsey  
Wynn  
Young (AK)  
Young (FL)

Ramstad  
Rogan  
Sabo  
Schaffer, Bob  
Sessions  
Slaughter  
Stupak  
Taylor (MS)  
Thompson  
Wamp  
Weller  
Wicker

□ 1723

So the Journal was approved.

The result of the vote was announced as above recorded.

#### PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, during rollcall vote number 64, the Journal, my airplane was delayed and I was unavoidably detained. Had I been present, I would have voted "yes."

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2589, COPYRIGHT TERM EXTENSION ACT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105-460) on the resolution (H. Res. 390) providing for consideration of the bill (H.R. 2589) to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2578, EXTENDING THE VISA WAIVER PILOT PROGRAM

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105-461) on the resolution (H. Res. 391) providing for consideration of the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of non-immigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General, which was referred to the House Calendar and ordered to be printed.

#### ANNOUNCEMENT OF AMENDMENT PROCESS FOR H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1997 (BESTEA)

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I have an announcement about BESTEA and ISTE, and all my colleagues should listen up.

Mr. Speaker, the Committee on Rules is planning to meet early next week, maybe as early as Monday, to grant a rule to limit the amendments which may be offered to the BESTEA bill. Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 12 noon on Monday, March 30, at the Committee on Rules.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to the provi-

sions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed earlier proceedings.

#### ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

The SPEAKER pro tempore (Mr. GOODLATTE). The pending business is the question of suspending the rules and passing the bill, H.R. 3211, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 3211, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 19, as follows:

[Roll No. 65]  
YEAS—412

Abercrombie  
Ackerman  
Aderholt  
Allen  
Andrews  
Archer  
Armey  
Bachus  
Baesler  
Baker  
Baldacci  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Barrett (WI)  
Bartlett  
Barton  
Bass  
Bateman  
Becerra  
Bentsen  
Bereuter  
Berman  
Berry  
Bilbray  
Bilirakis  
Bishop  
Blagojevich  
Bliley  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonior  
Borski  
Boswell  
Boucher  
Boyd  
Brady  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Bryant  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Campbell  
Canady  
Cardin  
Carson  
Castle  
Chabot  
Chambliss  
Christensen

Clay  
Clayton  
Clement  
Clyburn  
Coble  
Coburn  
Collins  
Combest  
Condit  
Conyers  
Cook  
Cooksey  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crapo  
Cubin  
Cummings  
Cunningham  
Danner  
Davis (FL)  
Davis (IL)  
Davis (VA)  
Deal  
DeFazio  
DeGette  
DeLauro  
DeLauro  
DeLay  
Deutsch  
Diaz-Balart  
Dickey  
Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
Engel  
English  
Ensign  
Eshoo  
Etheridge  
Evans  
Everett  
Ewing  
Farr  
Fattah  
Fawell  
Fazio

Filner  
Foley  
Forbes  
Ford  
Fossella  
Fowler  
Fox  
Frank (MA)  
Franks (NJ)  
Frelinghuysen  
Frost  
Furse  
Gallegly  
Ganske  
Gedensson  
Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Goode  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Granger  
Green  
Greenwood  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hamilton  
Hansen  
Hastert  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Hefley  
Hefner  
Herger  
Hill  
Dunn  
Hilleary  
Hilliard  
Hinchey  
Hinojosa  
Hobson  
Hoekstra  
Holden  
Horn  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Istook

Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
John  
Johnson (CT)  
Johnson (WI)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Kanjorski  
Kaptur  
Kasich  
Kelly  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Kilpatrick  
Kim  
Kind (WI)  
King (NY)  
Kingston  
Klecza  
Klink  
Klug  
Knollenberg  
Kolbe  
Kucinich  
LaFalce  
LaHood  
Lampson  
Lantos  
Largent  
Latham  
LaTourette  
Lazio  
Leach  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
Livingston  
LoBiondo  
Lofgren  
Lowey  
Lucas  
Luther  
Maloney (CT)  
Maloney (NY)  
Manton  
Markey  
Martinez  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDade  
McGovern  
McHale  
McHugh  
McInnis  
McIntosh  
McIntyre  
McKeon  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Metcalfe  
Mica

Millender-McDonald  
Miller (CA)  
Miller (FL)  
Minge  
Mink  
Moakley  
Mollohan  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Neal  
Nethercutt  
Neumann  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Olver  
Ortiz  
Owens  
Oxley  
Packard  
Pallone  
Pappas  
Parker  
Pascarelli  
Pastor  
Paul  
Paxon  
Pease  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pickett  
Pitts  
Pombo  
Pomeroy  
Porter  
Portman  
Poshard  
Price (NC)  
Pryce (OH)  
Quinn  
Radanovich  
Rahall  
Ramstad  
Redmond  
Regula  
Reyes  
Riggs  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogan  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rothman  
Roukema  
Roybal-Allard  
Rush  
Ryun  
Sabo  
Salmon  
Sanchez  
Sanders  
Sandlin  
Sanford  
Sawyer

Saxton  
Scarborough  
Schaefer, Dan  
Schaffer, Bob  
Scott  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shaw  
Shays  
Sherman  
Shimkus  
Shuster  
Sisisky  
Skaggs  
Skeen  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Smith, Adam  
Smith, Linda  
Snowbarger  
Snyder  
Solomon  
Souder  
Spence  
Stabenow  
Stearns  
Stenholm  
Stokes  
Strickland  
Stump  
Stupak  
Sununu  
Talent  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas  
Thompson  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tierney  
Torres  
Towns  
Traficant  
Turner  
Upton  
Velazquez  
Vento  
Visclosky  
Walsh  
Wamp  
Watkins  
Watt (NC)  
Watts (OK)  
Waxman  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Weygand  
White  
Whitfield  
Wicker  
Wise  
Wolf  
Woolsey  
Wynn  
Young (AK)  
Young (FL)

#### NOT VOTING—19

Cannon  
Capps  
Chenoweth  
Gonzalez  
Harman  
Hooley  
Inglis  
Jefferson  
Manzullo  
McDermott  
Payne  
Rangel  
Royce  
Schiff  
Schumer  
Spratt  
Stark  
Waters  
Yates

□ 1734

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, during rollcall vote number 65, H.R. 3211, my airplane was delayed, and I was unavoidably detained. Had I been present, I would have voted "yes."

## SMALL BUSINESS INVESTMENT COMPANY TECHNICAL CORRECTIONS ACT OF 1998

The SPEAKER pro tempore (Mr. GOODLATTE). The pending business is the question of suspending the rules and passing the bill, H.R. 3412, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) to suspend the rules and pass the bill, H.R. 3412, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 24, as follows:

[Roll No. 66]

YEAS—407

Abercrombie	Clyburn	Fox
Ackerman	Coble	Frank (MA)
Aderholt	Collins	Franks (NJ)
Allen	Combest	Frelinghuysen
Andrews	Condit	Frost
Archer	Conyers	Furse
Armey	Cook	Galleghy
Bachus	Cooksey	Ganske
Baesler	Costello	Gejdenson
Baker	Cox	Gekas
Baldacci	Coyne	Gephardt
Ballenger	Cramer	Gibbons
Barcia	Crane	Gilchrest
Barr	Crapo	Gillmor
Barrett (NE)	Cubin	Gilman
Barrett (WI)	Cummings	Goode
Bartlett	Cunningham	Goodlatte
Barton	Danner	Goodling
Bateman	Davis (FL)	Gordon
Bentsen	Davis (IL)	Goss
Bereuter	Davis (VA)	Graham
Berman	Deal	Granger
Berry	DeFazio	Green
Bilbray	DeGette	Greenwood
Bilirakis	Delahunt	Gutierrez
Bishop	DeLauro	Gutknecht
Blagojevich	DeLay	Hall (OH)
Bliley	Deutsch	Hall (TX)
Blumenauer	Diaz-Balart	Hamilton
Blunt	Dickey	Hansen
Boehlert	Dicks	Hastert
Boehner	Dingell	Hastings (FL)
Bonilla	Dixon	Hastings (WA)
Bonior	Doggett	Hayworth
Borski	Dooley	Hefley
Boswell	Doolittle	Hefner
Boucher	Doyle	Hill
Boyd	Dreier	Hilleary
Brady	Duncan	Hilliard
Brown (CA)	Dunn	Hinchey
Brown (FL)	Edwards	Hinojosa
Brown (OH)	Ehlers	Hobson
Bryant	Ehrlich	Hoekstra
Bunning	Emerson	Holden
Burr	Engel	Horn
Burton	English	Hostettler
Buyer	Ensign	Houghton
Callahan	Eshoo	Hoyer
Calvert	Etheridge	Hulshof
Camp	Evans	Hunter
Campbell	Everett	Hutchinson
Canady	Ewing	Hyde
Capps	Farr	Istook
Cardin	Fattah	Jackson (IL)
Carson	Fawell	Jackson-Lee
Castle	Fazio	(TX)
Chabot	Filner	Jenkins
Chambliss	Foley	John
Christensen	Forbes	Johnson (CT)
Clay	Ford	Johnson (WI)
Clayton	Fossella	Johnson, E. B.
Clement	Fowler	Johnson, Sam

Jones	Mollohan	Scott
Kanjorski	Moran (KS)	Sensenbrenner
Kaptur	Moran (VA)	Serrano
Kasich	Morella	Sessions
Kelly	Murtha	Shadegg
Kennedy (MA)	Myrick	Shaw
Kennedy (RI)	Nadler	Shays
Kennelly	Neal	Sherman
Kildee	Nethercutt	Shimkus
Kilpatrick	Neumann	Shuster
Kim	Ney	Sisisky
Kind (WI)	Northup	Skaggs
King (NY)	Norwood	Skeen
Kingston	Nussle	Skelton
Klecza	Oberstar	Slaughter
Klink	Obey	Smith (MI)
Klug	Olver	Smith (NJ)
Knollenberg	Ortiz	Smith (TX)
Kolbe	Owens	Smith, Adam
Kucinich	Oxley	Smith, Linda
LaFalce	Packard	Snowbarger
LaHood	Pallone	Snyder
Lampson	Pappas	Solomon
Lantos	Parker	Souder
Largent	Pascrell	Spence
Latham	Pastor	Stabenow
LaTourette	Paul	Stearns
Lazio	Paxon	Stenholm
Leach	Pease	Stokes
Levin	Pelosi	Strickland
Lewis (CA)	Peterson (MN)	Stump
Lewis (GA)	Peterson (PA)	Stupak
Lewis (KY)	Petri	Sununu
Linder	Pickering	Talent
Lipinski	Pickett	Tanner
Livingston	Pitts	Tauscher
LoBiondo	Pombo	Tauzin
Lofgren	Pomeroy	Taylor (MS)
Lowey	Porter	Taylor (NC)
Lucas	Portman	Thomas
Luther	Poshard	Thompson
Maloney (CT)	Price (NC)	Thornberry
Maloney (NY)	Pryce (OH)	Thune
Manton	Quinn	Thurman
Markey	Radanovich	Tiahrt
Martinez	Rahall	Tierney
Mascara	Ramstad	Torres
Matsui	Redmond	Towns
McCarthy (MO)	Regula	Trafigant
McCarthy (NY)	Reyes	Turner
McCollum	Riggs	Upton
McCrery	Riley	Velazquez
McDade	Rivers	Vento
McGovern	Rodriguez	Visclosky
McHalle	Roemer	Walsh
McHugh	Rogan	Wamp
McInnis	Rogers	Watkins
McIntosh	Rohrabacher	Watt (NC)
McIntyre	Ros-Lehtinen	Watts (OK)
McKeon	Rothman	Waxman
McKinney	Roukema	Weldon (FL)
McNulty	Roybal-Allard	Weldon (PA)
Meehan	Rush	Weller
Meek (FL)	Ryun	Wexler
Meeks (NY)	Sabo	Weygand
Menendez	Salmon	White
Metcalfe	Sanchez	Whitfield
Mica	Sanders	Wicker
Millender	Sandlin	Wise
McDonald	Sanford	Wolf
Miller (CA)	Sawyer	Woolsey
Miller (FL)	Saxton	Wynn
Minge	Scarborough	Young (AK)
Mink	Schaefer, Dan	
Moakley	Schaffer, Bob	

## NOT VOTING—24

Bass	Hooley	Schiff
Becerra	Inglis	Schumer
Cannon	Jefferson	Smith (OR)
Chenoweth	Manzullo	Spratt
Coburn	McDermott	Stark
Gonzalez	Payne	Waters
Harman	Rangel	Yates
Herger	Royce	Young (FL)

□ 1743

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CORRECTING A PROVISION RELATING TO TERMINATION OF BENEFITS FOR CONVICTED PERSONS

The SPEAKER pro tempore. The pending business is the question of passage of the bill, H.R. 3096, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 23, as follows:

[Roll No. 67]

YEAS—408

Abercrombie	Cubin	Hamilton
Ackerman	Cummings	Hansen
Aderholt	Cunningham	Hastert
Allen	Danner	Hastings (FL)
Andrews	Davis (FL)	Hastings (WA)
Archer	Davis (IL)	Hayworth
Bachus	Davis (VA)	Hefley
Baesler	Deal	Hefner
Baker	DeFazio	Hill
Baldacci	DeGette	Hilleary
Ballenger	Delahunt	Hilliard
Barcia	DeLauro	Hinchey
Barr	DeLay	Hinojosa
Barrett (NE)	Deutsch	Hobson
Barrett (WI)	Diaz-Balart	Hoekstra
Bartlett	Dickey	Holden
Bass	Dicks	Horn
Bateman	Dingell	Hostettler
Becerra	Dixon	Houghton
Bentsen	Doggett	Hoyer
Bereuter	Dooley	Hulshof
Berman	Doolittle	Hunter
Bilbray	Doyle	Hutchinson
Bilirakis	Dreier	Hyde
Bishop	Duncan	Istook
Blagojevich	Dunn	Jackson (IL)
Bliley	Edwards	Jackson-Lee
Blumenauer	Ehlers	(TX)
Blunt	Ehrlich	Jenkins
Boehlert	Emerson	John
Boehner	Engel	Johnson (CT)
Bonilla	English	Johnson (WI)
Bonior	Ensign	Johnson, E. B.
Borski	Eshoo	Johnson, Sam
Boswell	Etheridge	Jones
Boucher	Evans	Kanjorski
Boyd	Everett	Kaptur
Brady	Ewing	Kasich
Brown (CA)	Farr	Kelly
Brown (FL)	Fattah	Kennedy (MA)
Brown (OH)	Fawell	Kennedy (RI)
Bryant	Fazio	Kennelly
Bunning	Filner	Kildee
Burr	Foley	Kilpatrick
Burton	Forbes	Kim
Buyer	Ford	Kind (WI)
Callahan	Fossella	King (NY)
Calvert	Fowler	Kingston
Camp	Fox	Klecza
Campbell	Frank (MA)	Klink
Canady	Franks (NJ)	Klug
Capps	Frelinghuysen	Knollenberg
Cardin	Frost	Kolbe
Carson	Furse	Kucinich
Castle	Galleghy	LaFalce
Chabot	Ganske	LaHood
Chambliss	Gejdenson	Lampson
Christensen	Gekas	Lantos
Clay	Gephardt	Largent
Clayton	Gibbons	Latham
Clement	Gilchrest	LaTourette
Clyburn	Gillmor	Lazio
Coble	Gilman	Leach
Coburn	Goode	Levin
Collins	Goodlatte	Lewis (CA)
Combest	Goodling	Lewis (GA)
Condit	Gordon	Lewis (KY)
Conyers	Goss	Linder
Cook	Graham	Lipinski
Cooksey	Granger	Livingston
Costello	Green	LoBiondo
Cox	Greenwood	Lofgren
Coyne	Gutierrez	Lowey
Cramer	Gutknecht	Lucas
Crane	Hall (OH)	Luther
Crapo	Hall (TX)	Maloney (CT)

Maloney (NY)	Pease	Slaughter
Manton	Pelosi	Smith (MI)
Markey	Peterson (MN)	Smith (NJ)
Martinez	Peterson (PA)	Smith (OR)
Mascara	Petri	Smith (TX)
Matsui	Pickering	Smith, Adam
McCarthy (MO)	Pickett	Smith, Linda
McCarthy (NY)	Pitts	Snowbarger
McCollum	Pombo	Snyder
McCrery	Pomeroy	Solomon
McDade	Porter	Souder
McGovern	Portman	Spence
McHale	Poshard	Stabenow
McHugh	Price (NC)	Stearns
McInnis	Pryce (OH)	Stenholm
McIntosh	Quinn	Stokes
McIntyre	Radanovich	Strickland
McKeon	Rahall	Stump
McKinney	Ramstad	Stupak
McNulty	Redmond	Sununu
Meehan	Regula	Talent
Meek (FL)	Reyes	Tanner
Meeks (NY)	Riggs	Tauscher
Menendez	Riley	Tauzin
Metcalf	Rivers	Taylor (MS)
Mica	Rodriguez	Taylor (NC)
Millender-	Roemer	Thomas
McDonald	Rogan	Thompson
Miller (CA)	Rogers	Thornberry
Miller (FL)	Rohrabacher	Thune
Minge	Ros-Lehtinen	Thurman
Mink	Rothman	Tiahrt
Moakley	Roukema	Tierney
Mollohan	Roybal-Allard	Torres
Moran (KS)	Rush	Towns
Moran (VA)	Ryun	Traficant
Morella	Sabo	Turner
Murtha	Salmon	Upton
Myrick	Sanchez	Velazquez
Nadler	Sanders	Vento
Neal	Sandlin	Visclosky
Nethercutt	Sanford	Walsh
Neumann	Sawyer	Wamp
Ney	Saxton	Watkins
Northup	Scarborough	Watt (NC)
Norwood	Schaefer, Dan	Watts (OK)
Nussle	Schaffer, Bob	Waxman
Oberstar	Scott	Weldon (FL)
Obey	Sensenbrenner	Weldon (PA)
Olver	Serrano	Weller
Ortiz	Sessions	Wexler
Owens	Shadeegg	Weygand
Oxley	Shaw	White
Packard	Shays	Whitfield
Pallone	Sherman	Wicker
Pappas	Shimkus	Wise
Parker	Shuster	Wolf
Pascarell	Sisisky	Woolsey
Pastor	Skaggs	Wynn
Paul	Skeen	Young (AK)
Paxon	Skelton	

## NOT VOTING—23

Armey	Hooley	Schiff
Barton	Inglis	Schumer
Berry	Jefferson	Spratt
Cannon	Manzullo	Stark
Chenoweth	McDermott	Waters
Gonzalez	Payne	Yates
Harman	Rangel	Young (FL)
Herger	Royce	

□ 1751

So (three-fifths having voted in favor thereof) the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. CHENOWETH. Mr. Speaker, due to health reasons and doctor's orders, I missed rollcall votes 64 and 67.

Had I been here I would have voted: "Yea" on Roll Call 64, Approval of the Journal; "Yea" on Roll Call 65, H.R. 3211, Regarding Eligibility Requirements for Burial in Arlington National Cemetery; "Yea" on Roll Call 66, H.R. 3412, Small Business Investment Company Technical Corrections Act of 1998; and "Yea" on Roll Call 67, H.R. 3096, To Correct a Pro-

vision Relating to Termination of Benefits for Convicted Persons.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 981.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

## COMMUNICATION FROM ADMINISTRATOR OF FIRST CONGRESSIONAL DISTRICT OF PENNSYLVANIA

The SPEAKER pro tempore laid before the House the following communication from Stanley V. White, Administrator of the First Congressional District of Pennsylvania:

CONGRESS OF THE UNITED STATES,  
Washington, DC, March 17, 1998.

Hon. NEWT GINGRICH,

Speaker,

U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena ad testificandum issued by the United States District Court for the Eastern District of Pennsylvania, in the case of *Raymond Wood v. David L. Cohen, et al.*, Case No. 96-3707.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

STANLEY V. WHITE,  
Administrator.

## APPOINTMENT OF MEMBER TO UNITED STATES CAPITOL PRESERVATION COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 801(b) of Public Law 100-696, the Chair announces the Speaker's appointment of the following Member of the House to the United States Capitol Preservation Commission:

Mr. WALSH of New York.

There was no objection.

## IMF SHOULD REEVALUATE LENDING POLICIES

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. SAXTON. Mr. Speaker, during the past several months, I have warned time and again that the International Monetary Fund's lending policies are counterproductive. That is because they lend at rates far below market rates. That practice, in and of itself, generates demand for even more low

interest rate loans. That is called moral hazard.

Yesterday's Financial Times, published in the U.K., reported that European central bankers agree with my position. They attack the bailout practices of the IMF, and they say it will be putting forward proposals next month that would involve commercial banks at an earlier stage.

The criticism reflects concern about the IMF's handling of the Asia financial crisis. Hans Tietmeyer, president of the Bundesbank said, the multibillion dollar international rescue plans for Thailand, South Korea, Malaysia and Indonesia could encourage reckless banking practices. The IMF should re-evaluate its policies, he said.

Mr. Speaker, I include the following for the RECORD:

[Monday, Mar. 23, 1998]

CRITICISM: EU BANKERS HIT AT IMF ON BAILOUTS

(By Wolfgang Muechau and Lionel Barber in New York)

European Union central bankers have attacked the bail-out practices of the International Monetary Fund and will be putting forward proposals next month that would involve commercial banks at an earlier stage.

The criticism reflects concern about the IMF's handling of the Asia financial crisis. It also signals the EU's intention to raise its profile in international financial institutions as 11 European countries prepare to adopt a single currency next January.

The US has dominated the policy agenda of the IMF, even though EU countries have a larger combined shareholding.

Hans Tietmeyer, president of the Bundesbank, speaking after the informal meeting of EU economies and finance ministers at the weekend, said the multi-billion-dollar international rescue plans for Thailand, South Korea, Malaysia and Indonesia could encourage reckless bank lending.

"The IMF should re-evaluate its policies and should question itself on how far its policy generates moral hazard. The IMF should consider whether it is better to tackle problems with large sums of bail-out money or whether it might be better to involve private sector creditors at an earlier stage," he said.

Mr. Tietmeyer said he had drawn up proposals which he would present to the IMF's interim committee at its next meeting on April 16 in Washington.

He did not divulge details of the programme, but a key element is believed to include regular monitoring of private sector debt.

At the meeting, EU central bankers also discussed the possible dangers of electronic money to monetary policy under Emu. Smart cards with computer chips are becoming increasingly popular, but central bankers are worried because this is a form of money that operates outside the control of central banks.

The bankers are particularly concerned that the transition period between the launch of monetary union in January and the introduction of euro notes and coins in 2002 could encourage the use of electronic money.

Mr. Tietmeyer called on the European Commission to consider regulating the markets for electronic money and electronic banking, restricting its use only to established banks

## NO TOLERANCE FOR HATE CRIMES

(Mr. HILL asked and was given permission to address the House for 1



minute and to revise and extend his remarks and include extraneous material.)

Mr. HILL. Mr. Speaker, one film which earned an Academy Award nomination for best picture more than 10 years ago featured Harrison Ford whose character went to the aid of an Amish family after they had become entangled in a brutal crime. The film, *Witness*, was fiction, but it taught us what we can learn from communities like the Amish. It is a sad fact, however, that these colonies are often the targets of scorn and ridicule.

In my home State of Montana there are similar religious-based colonies known as Hutterites. What has happened to one of them in recent weeks is outrageous.

The FBI has been asked to investigate a fire which was deliberately set in the timber supply of a new Hutterite colony in Montana. Damage is estimated at \$100,000.

There have been other attempts to harass colony members, which is equally disturbing.

Mr. Speaker, Montanans will not stand for these sorts of hate crimes. We welcome people of all religious backgrounds with open arms, and I urge Federal officials to use all means at their disposal to assure the safety and the welfare of these citizens. It is the very least we can do.

Mr. Speaker, I include the following for the RECORD:

[From the Billings Gazette, Mar. 23, 1998]

FBI ASKED TO INVESTIGATE HUTTERITE FIRE  
BLAZE DELIBERATELY SET, FIRE OFFICIALS SAY;  
HUMAN RIGHTS GROUPS DESCRIBE INCIDENT  
AS HATE CRIME

Ledger (AP)—Fire officials say a blaze in a lumber shed at a fledgling Hutterite colony in north-central Montana was arson, and it may be a hate crime aimed at the religious sect.

The fire two weeks ago charred lumber intended to build housing at the new Camrose Colony, near Ledger in southeastern Toole County. Investigators say the fire was clearly arson.

The fire took 13 hours and 38,000 gallons of water to extinguish. Damage was estimated at about \$100,000.

Toole County Sheriff Vern Anderson said the fire appeared to be an attempt to intimidate colony members, who have bought several farms in the area within the past few weeks.

"It appears that we've got somebody disgruntled that the colony people have purchased that property," Anderson said. But he shied from describing the fire as a hate crime.

"Those are some of the words that are floating around here," Anderson said. "It's hard for me to say."

The Montana Human Rights Network is less reticent.

"It's got a lot of the classic elements of a hate crime," said Christine Kaufmann. The network's research director, "A group that is different in some way is singled out in the community. It seems to be clearly an effort to prevent them from establishing a colony in the area."

The fires and a spate of vandalism, including damage to vehicles and grain bins, have left colony members shaken.

"We just took it over about three weeks ago," said Joe Waldner, a spokesman for the

East End Colony near Havre, which is splitting and establishing Camrose.

The Havre-area colony acquired several area farms, about 8,500 acres, south of the Marias River. The plan is to grow grain and raise livestock "a few cattle, a few hogs and some chickens," Waldner said.

The value of the building materials lost in the fire totaled about \$70,000. Waldner says the damage to the building itself probably tops \$30,000.

The loss will slow building at Camrose, but it won't alter the long-range plan.

"We are just going to keep on going," Waldner said. "We hope the police catch the guy who did this."

So do a number of neighbors.

"I don't like what happened up here," said Karl Ratzburg, whose property adjoins the colony. "I hope they find these people and prosecute them for what they did."

The sheriff said his deputies continue to check leads on the arson, and he notified the FBI of the incident. The FBI declined comment on any involvement on its part.

Kaufmann, the network's research director, has written the FBI and U.S. Attorney Sherry Matteucci asking the agency to actively investigate the colony fires.

Margie MacDonald, executive director of the Montana Association of Churches, said she hoped residents in the area will rally behind the colony.

"We are real concerned about the magnitude of violence up there," MacDonald said, "Arson of any sort is pretty appalling."

MacDonald said she hopes area pastors will work to develop a community response to the colony crimes, which seem to be rooted in religious intolerance. Pastors were a key part of the strong backlash against hate crimes that targeted Jewish families in Billings in 1993, she noted.

"What we hope to see is some strong community response," MacDonald said. "People really can't be silent when something like this happens."

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GOODLATTE). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### WASTED MONEY ON IRRELEVANT INVESTIGATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, tomorrow the Committee on House Oversight is expected to give \$1.3 million to the House Committee on the Judiciary for an enlarged congressional staff to investigate President Clinton. The American people are tired of this waste, and so am I, and this is from a leadership that promised to trim congressional staffs.

□ 1800

Now, what is amazing to me is the exchange between the chairman, the gentleman from Illinois (Mr. HENRY HYDE), myself, and the gentleman from Massachusetts (Mr. FRANK) only 1½ hours ago in the Committee on the Judiciary, when I explained that I

thought we needed no more wasted dollars and harassment of the President.

The chairman of this committee, in session, sought to reassure me that the monies would be used for harmless oversight of the Department of Justice and for the noncontroversial reauthorization of the Department. It is on the record in the committee. This is in direct contradiction to the written statement yesterday of the gentleman from Illinois (Mr. HYDE) in a letter that has come to my attention that he has sent to the gentleman from California (Mr. THOMAS), chairman of the Committee of House Oversight, to justify this new windfall by saying that new investigators were needed to recycle and duplicate nearly every independent counsel investigation into the Clinton administration, from fundraising to allegations at the Department of Energy and the Department of the Interior. These matters have already been overinvestigated, but they directly contradict the purpose for which these funds are being authorized by the committee.

I have never received a letter about this in my career. This is a unilateral Republican action to which I take total exception. There has been stealth in correspondence, there have been internal contradictions. But I must now come to the House and report that the Republican leadership is planning to surreptitiously commence to staff for an impeachment investigation without any notice to the Congress, to the Democrats on the Committee on the Judiciary, or to the American people, without a vote from the House of Representatives.

I urge the gentleman from Georgia (Speaker GINGRICH), with all respect, to rethink this dangerous, radical political strategy. It is outrageous that we are being told publicly one thing by the gentleman from Illinois (Chairman HYDE) when his letter to his own leadership is saying something else entirely different: More money to investigate the President.

Why can the majority not just admit it, rather than hiding under these cloaks and misstatements. Members of the House will get no opportunity to vote on this massive increase of funds. When I explained that the Speaker agreed with this request in a cover letter, the gentleman from Illinois (Mr. HYDE) asked that he not be saddled with the Speaker's words.

So today, Mr. Speaker, I will release to the press the words of the gentleman from Illinois (Chairman HYDE) justifying this new congressional surplus of money and staff and resources, and let the American people judge for themselves.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts, the ranking subcommittee chairman.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the ranking member, and I think he is performing a very important service.

I know as the second ranking minority member that neither he, I, nor any other Members have been consulted. We have read a lot in the paper about what the Committee on the Judiciary was going to do, what it would not be allowed to do, how it was going to be bypassed.

To have this funding request come forward, it is over a \$1 million, some of which would be presumably assigned the minority, with no consultation is a problem. And the problem is compounded because the chairman of the committee did say there would be consultation, but the consultation he discussed was on a subject that appears to be different.

The SPEAKER pro tempore (Mr. BOB SCHAFER of Colorado). Under a previous order of the House, the gentleman from California (Mr. RIGGS) is recognized for 5 minutes.

(Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### CONFUSION SURROUNDING REQUEST OF COMMITTEE ON THE JUDICIARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, the point is that the justification that the chairman mentioned, the consultations that have been held with staff of the minority and the majority, apparently are irrelevant to the request tomorrow.

So I would hope, and I would think the ranking minority member would agree with me, that we could get the Committee on House Oversight to hold off voting this kind of money until there could be a public hearing.

There appears to be a fundamental confusion, at best, about \$1.3 million. Is it money that is to redo the investigation of the independent counsel? Is it money to check up on whether the Attorney General has appropriately dealt with the independent counsel? Or is it for the reauthorization of the Justice Department?

What the chairman told us today was one justification, but the letter that he and the gentleman from Georgia (Speaker GINGRICH) sent to the chairman of the committee is entirely about something else. We ought not to have \$1,300,000 so casually used.

We also ought to stop what appears to be a two-track operation in which the ranking minority member is told one thing about the operation of the Committee on the Judiciary when other conversations are going on. There is a partisan tinge to this which is inappropriate when dealing with the most significant things we can deal with.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, here is what the justification submitted to the Committee on House Oversight said: "The Committee on the Judiciary contemplates an investigation of the Department of Justice's investigation, with an emphasis on the need for an independent counsel."

They go on to point out that the 17 Republican members have written a letter to the Attorney General and that their plans include the following: The Department of Justice Public Integrity Section and Campaign Fundraising Task Force has been plagued with conflicts of interest, et cetera. In the Chipewa casino matter the Department of Justice is acting as the criminal prosecutor.

Further on, the fundraising investigations, the last time the Committee on the Judiciary sought an appointment of an independent counsel was on the Health Care Task Force.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would allow me, as he is making clear from reading this, nothing in here deals with the ongoing responsibilities of the Department of Justice, which was the stated purpose for this funding from the chairman. Maybe the chairman thinks it is for one thing and the Speaker is, to use his phrase, saddling him with another purpose.

There ought to be a public hearing. I would think the ranking minority member ought to have a chance to go before the committee and talk about that money, whether it is needed, what it ought to be used for.

Mr. CONYERS. Mr. Speaker, I would say to my friend, the gentleman from Massachusetts, if anybody in this House thinks that any serious investigation of the White House or this administration can begin on a partisan basis, as this is appearing to be, I think they are dooming it to a total failure. The notion that anything remotely resembling impeachment activity be sent to any committee other than the Committee on the Judiciary is a clear signal that something is wrong.

Mr. FRANK of Massachusetts. I would ask the ranking minority member, has there been any conversation on the part of any member of the majority, from the Committee on the Judiciary or elsewhere, with the gentleman dealing with how we might respond to Independent Counsel Starr?

Mr. CONYERS. No. Not only has that not happened, but I have been assured repeatedly, and I am sorry to have to put this into the RECORD now, that I would be kept abreast of all developments connected with this, because I have repeatedly been hearing in the media what they were trying to do. As a matter of fact, a January letter requesting this money was brought to me by a member of the press when I told them I had never seen it before. This document I did not see until after the hearing of the full Committee on the Judiciary late this afternoon.

So it is with some sadness that I make public that the agreement that I

thought that I was entering into has been shattered. Perhaps it can be replaced. But I want the entire Congress to know that these unilateral Republican shenanigans, whether they come from the Speaker or from the chairman of the Committee on the Judiciary, work an extreme disservice on the processes that are within the jurisdiction of the Committee on the Judiciary in the House.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EWING) is recognized for 5 minutes.

(Mr. EWING addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### THE TAXPAYER BILL OF RIGHTS III

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FOX) is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to bring to the attention of my colleagues the importance now of the passing of the Taxpayer Bill of Rights III. We know that it was not that long ago the Senate Finance Committee had hearings wherein IRS agents, presently working for the agency, as well as taxpayers, came forward to talk about the problems of abuse, the problems of mom and pop stores being levied with fines and with penalties for violations that had not occurred, but they had paid them, nonetheless, out of fear of the agency going after them, and yet these people do not have attorneys or CPAs to help them.

My Taxpayer Bill of Rights legislation, which has enjoyed bipartisan support, is, frankly, a bill that is going to move forward in this respect to change the burden of proof to make sure that taxpayers will now be presumed innocent, and the Commissioner of the IRS will have the burden of proving otherwise, instead of the reverse, the way it is now.

It also will say, no more quotas for IRS investigations, no more quotas for IRS audits, no more fishing expeditions where taxpayers live in fear of the IRS, no more random audits, and, more importantly than the ones I have already mentioned, the fifth provision of the bill says that, in fact, if the IRS is overreaching or causes a legal business or individual loss in an unfair way to any constituent, then they would be responsible for reimbursing that taxpayer.

Moreover, there would be whistleblower protection. If in fact an individual comes forward to talk about an IRS violation by an agency employee or the agency itself, then they will not be audited just out of retribution. Moreover, the bill calls for mediators to be provided in case someone wants to settle a claim.

These are all commonsense provisions to make the IRS more taxpayer-

friendly. We know very well that the employees of the agency work very hard to do a good job, but the burden of proof and other items within the tax code and within the tax system have made it difficult to have anything but an adversarial relationship between the IRS employees and the taxpayers they are supposed to work for.

The fact is out of 100,000 tax employees that the IRS has, there are only 43 taxpayer advocates. That is certainly an imbalance there, Mr. Speaker, that we need to correct. I know that working with our Senate colleagues in a bipartisan fashion, we can make the IRS an agency that will be fair to the public while still making sure that taxes are collected, but in a fair and responsible way that will make sure that the American taxpayer will not be violated in any way, shape, or form.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### TRIBUTE TO GIRLS' BASKETBALL COACH DOROTHY GATERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, as we continue with the celebration of Women's History Month, I am reminded of the fact that it takes great teachers to make great schools.

I rise today to recognize one of the great female coaches of girl basketball of all time, Coach Dorothy Gaters. Coach Gaters coaches the Lady Commandoes, a Marshall High School girls basketball team on the West Side of Chicago, located in the Seventh Congressional District.

Dorothy Gaters graduated from Marshall High School in 1964, and went on to attend DePaul University, where she graduated with a Bachelor's Degree in 1968. She received her Master's Degree from Governor State University and began teaching at Marshall High School in 1969.

Coach Gaters has not rewritten but has simply written the record book when it comes to girls' basketball in the State of Illinois. Coach Gaters has been coaching in the Chicago Public League at Marshall High School since 1976.

During this time, she has won six State titles, three State runner-ups, three third places, and three fourth places in State tournaments. She currently holds eight State records: 17 tournament appearances, 15 AA tournaments, nine title game appearances, 13 class AA consecutive tournament appearances, and three consecutive title game appearances, to name a few. In 22 years, Coach Gaters has a record

of 619 wins. No other coach in Illinois has even 500 victories in girls' basketball.

□ 1815

No other coach has been in as many State tournament final games as her nine, or won as many titles as her six. Her team has played more games, won more games, and even lost more games in the Elite Eight than anyone else's in girl's basketball history. Of the 14 girl tournament coaching records, Coach Gaters owns 10 of them outright and is tied with Teutopolis's Dennis Koester two other categories.

Before girls basketball was sanctioned by the Illinois High School Association, Coach Gaters was there from the beginning when young women who loved the game could compete only in clubs and intramural contests. She and her teams grew with the sport and today it is as fully recognized as any boys' sport, with its own State championship. And all along, the Lady Commandos were role models of excellence and perseverance and an inspiration to all the other teams.

Coach Gaters' response to all the numbers and all the fawning is consistent with her straightforward approach in coaching: "It says I have been around a long time. I care about it because it will be a victory, not necessarily because it is number 597. I have never really been one to count the games."

Mr. Speaker, we both know that the Illinois High School Association counts, and it listed the Marshall coach with 597 victories against 70 losses entering this, her 23rd season as coach. That was then. Today it is 619 wins to 70 losses. And according to the national high school statistics, Coach Gaters ranks among the top 20 coaches of all time in number of victories. She was inducted into the Illinois Basketball Coaches Association Hall of Fame in 1996, and while her basketball team is nothing short of amazing, they have also succeeded academically. Ninety-five percent of the players who started with Coach Gaters went to colleges and/or universities. Over three fourths of them have graduated. Several of Coach Gaters' former players are now coaches at various institutions. Marie Christian coaches at California-Berkeley; Kimberly McQuarter at Chicago State University; Trinetta Wright is an assistant coach at Chicago State University; and Jennifer Jones coaches at Manley High School.

Other players went on to play in the Women's National Basketball Association. Kim Williams plays for the Utah STARZZ; Toni Foster is with the Phoenix-MERCURY; and Janet Harris plays for the Charlotte STING.

Mr. Speaker, I congratulate Coach Dorothy Gaters and the Lady Commandos of Marshall High School who have demonstrated that academic excellence coupled with athletic prowess is the order of the day.

CONGRESS MUST FACE UP TO SERIOUS PROBLEMS IN SOCIAL SECURITY

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, this last Saturday, the Pew Foundation, responding to the President's comments in the State of the Nation address, had a forum where 10 cities in the United States were linked together in interactive television. In each one of those cities there were 10 tables. At each table there were 10 participants talking about the problems of Social Security and what we might do with Social Security.

One thing that came from almost all the cities was that we should stop using the Social Security trust fund money to mask the deficit and that we should stop using, taking that money, and in return giving nonmarketable IOUs.

One point I made on Friday night, the Pew Foundation called me and said that they understood the President had requested time and asked if I would like to also have 12 minutes of time making my comments as far as the situation with Social Security. The first thing I said was my concern about using Social Security trust fund money to really mask the deficit.

Mr. Speaker, I suggested that we really did not have a surplus in this country and that only because this current year we are borrowing about \$85 billion from the Social Security trust fund, next year we are going to be borrowing closer to \$100 billion from the Social Security trust fund, that borrowing is what is allowing us to say that we have a balanced budget.

I think it is very important that we stop, in effect, hoodwinking the American people. Even though it is nice to brag about a balanced budget, the fact is that the only reason we are pretending the budget is balanced is because we are borrowing all of this money from the Social Security trust fund.

I told the people, I was at Cobo Hall in Detroit in Michigan, and I suggested that there has got to be several guidelines as we proceed in making sure that Social Security stays solvent. Number one, that it be bipartisan. Number two, that all possible solutions be kept on the table. Number three, that we do not reduce the benefits for existing retirees or near retirees. Number four, that we have some kind of a system where our kids and our grandkids and their kids and grandkids can expect retirement accounts that are going to last them through what is expected to be an even longer life span, and that we have a system that is fair and equitable. That we not privatize the system, but rather that we have a system that allows forced savings and investments in accounts that are owned by the individual workers that can accrue dividends throughout their working lifetime.

I pointed out an interesting fact from what has been suggested by the Tax Foundation, and that relates to the fact that there is unlikely to be a positive return on the money that is paid into Social Security by the employee and the employer. They estimate that anybody that retires after the year 2000 will have a return of between a negative one-half percent and a negative 1½ percent. Another way of saying the serious dilemma of Social Security is that if a worker retires after the year of 2015, then they are going to have to live 26 years after they retire in order to break even and just get back the money they and their employer put in.

Part of the problem is that when we started Social Security as a pay-as-you-go program where existing workers pay in their tax to pay for the benefits of existing retirees, the average age of death in this country in 1935 was 61 years old. That meant most people never lived long enough to collect anything from Social Security, but simply paid in their money.

Now the average age of death is 74 years old for a male and 76 years old for a female. But if Americans are, I will say, lucky enough to live to retirement age, age 65, then on the average they are going to live another 20 years. At the same time, we have more people living longer, we are seeing a larger population that are retired because of the decline in the birth rate after the baby boomers of World War II, and we have a smaller and smaller number of people working.

In 1942 we had 40 people working, paying in Social Security tax for each retiree. By 1950 it got down to 17 people. Today guess what it is. Today, Mr. Speaker, it is three people working, paying in their tax for each retiree, and what has happened is that we keep increasing the Social Security tax on that fewer number of workers.

Since 1971 we have increased the Social Security tax 36 times. More often than once a year, we have increased the rate or the base.

Mr. Speaker, in concluding, I suggest that we face up to the very serious problem that is facing us, both in Social Security, in Medicare, and that we not continue to put off the solutions but start talking about the best possible ways to do it, and we do it as quickly as possible.

#### URGING THE FEDERAL RESERVE TO LOWER INTEREST RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHAY) is recognized for 5 minutes.

Mr. HINCHAY. Mr. Speaker, on Tuesday of next week, March 31, the Federal Open Market Committee of the Federal Reserve Board will meet. This is a critically important meeting, for out of this meeting the FOMC will recommend short-term interest rates for the foreseeable future.

There are urgings coming to the Federal Reserve now from monetarists

that watch the Federal Reserve Board, and those urgings are that the Federal Reserve should increase interest rates. If they do so, that would be a very serious mistake. It would be a serious mistake if these times were ordinary or normal. But, in fact, they are not ordinary nor normal, for we are beginning to experience the profound negative economic consequences of the financial crisis that is sweeping across east Asia. I say we are "beginning" to feel those effects, and we will continue to feel them and the full brunt of those effects will not express themselves on our economy until some time later this year, perhaps within the next 6 months to a year.

The effect of the downturn result from this financial crisis in east Asia is going to be to suppress prices, and it is estimated that it will cost us substantially in terms of our own economic growth.

Our economic growth rate now, which is in excess of 3 percent, could fall by more than 2 percentage points. In other words, we could be experiencing economic growth of only 1 percent or, at worst, our economic growth could fall into the negative range.

We can begin now to buttress our economy from the negative effects of the financial crisis sweeping across east Asia if we act now. One of the ways, one of the most important ways that we can act is for the Federal Reserve now to lower interest rates. Interest rates at this particular moment are high by historical standards, high in real terms; in other words, high in terms of inflation. The inflationary rate currently in our economy is essentially zero. We are experiencing virtually no inflation whatsoever. Nevertheless, real interest rates are abnormally high in that particular context.

Mr. Speaker, people will remember that in 1994 and 1995, the Federal Reserve raised interest rates six times during that period. Back then, that was a mistake and it cost us in terms of our economic growth. We would have recovered from the recession more fully and more quickly if the Federal Reserve had not raised those interest rates. But they did so. And those raised interest rates now stand.

Mr. Speaker, we have interest rates today that are higher than they ought to be, and the Federal Reserve should lower them. They should lower them in any case, but particularly they should lower them in light of the fact that we are going to feel these profound consequences from the economic crisis sweeping across east Asia.

What are those profound consequences? They will be, as I have indicated, a substantial loss in the rate of our economic growth. They will have the effect of depressing prices for goods manufactured in the United States. They will increase our trade deficit.

Mr. Speaker, the trade deficit in goods alone is already increasing markedly, one might say dramatically. The trade deficit, for example in Janu-

ary in goods alone, was \$18.8 billion. That is a record for a single month. We have never had a trade deficit for goods alone as high as \$18.8 billion ever before. That is up by more than a billion dollars from \$17.7 billion in December of last year. So we see already that the trade deficit in goods is going up and going up substantially.

As that trade deficit goes up, as the full effect of the overproduction in East Asia comes into our market, the price of our goods is going to drop. That is going to cost us jobs. It is estimated that the cost in jobs could be as much as 1 million. We could lose as many as 1 million jobs in our economy as a result of the financial crisis in east Asia if we fail to act.

One of the most important ways available to us to act to head off this substantial loss in economic growth, the substantial increase in the trade deficit, and the substantial loss in jobs is through our monetary policy. The Federal Open Market Committee has the ability to control monetary policy, and they can lower interest rates next Tuesday when they meet.

I am now circulating a letter to the Members of the House asking them to join me in this letter to the Chairman of the Federal Reserve Board, Alan Greenspan, asking him to exert his influence in the Federal Reserve and in the Federal Reserve Open Market Committee to lower interest rates. It is critical that we do so in order to head off the dire consequences of this economic crisis.

□ 1830

#### H-1B PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. KLINK) is recognized for 5 minutes.

Mr. KLINK. Mr. Speaker, several years ago when we were debating on the floor of this House the North American Free Trade Agreement, we were being told by those who were proponents of that agreement that we would lose some low-skill, low-income jobs in this country, but that as we move from an industrial society more toward an information technology society, those people who lost those jobs would receive training, would receive opportunities in jobs that would pay more money in those information technologies.

Well, lo and behold, we have moved to information technologies and now the Information Technology Association of America said we are growing so fast we cannot fill these jobs. And so, under a very little-known program, little known by most legislators and few Americans, it is called the H-1B Program, they now want to import foreign workers into our country to take those jobs.

I simply ask, Mr. Speaker, what kind of jobs are we supposed to give those displaced Americans who have lost their jobs? What jobs are we supposed to give to those kids who are coming

out of college, out of high school, out of career training right now if we are importing workers to take the jobs that are being created in this Nation?

Now, there is a flaw, of course, in this rationale. Even the GAO in a report that they released yesterday said that the Department of Commerce, in agreeing with the industry, and the industry in releasing their information, used flawed data. There is not, apparently, according to many of us, the severe shortage that cannot be filled by retraining Americans and by training Americans to take those jobs.

First of all, let me tell my colleagues, there is no universally accepted definition of what is an information technology worker. There also is no universal definition as to what training is required for those jobs. And, so, the industry in standing up and crying "wolf" and crying, like Chicken Little, that "the sky has fallen," that they have got these millions of jobs that they cannot fill, defined very broadly what is an information technology worker and very narrowly what kind of training would be required to fill those jobs. They seem to require right now that if you do not have a Bachelor's degree in computer science or information science you cannot fill those jobs.

Well, that is crazy. Because in 1993, only 25 percent of the workers across this Nation who were working in information technology actually had a BA in computer or in information science. Many of the other workers had degrees, but they had degrees in business, in social science, in math, engineering, psychology, economics, education. They were smart people. They had training and could be retrained to take these jobs in what is a burgeoning industry.

We project between 1996 and the year 2006 we will need 1.3 million workers in information technology; 1.1 million of those workers will be needed because of the growth alone. The wages for information technology workers are increasing, but they are increasing only because the market calls for an increase, and they are increasing no more than the wages for the general public.

Now the ITAA, this Information Technology Association of America that wants to use this little-known program now to import workers to this country to take these new jobs in a growth industry, sent out a sampling to 2,000 industries. Only 14 percent of those industries responded, and on that 14-percent response, they are basing their request to import workers into this country to take those jobs.

Mr. Speaker, it would take a 75-percent response to make a credible extrapolation on a nationwide basis, a nationwide generalization as to how many workers we need and where they have to come from.

Let me tell my colleagues about this program, the origination of the H-1B program. This was established in 1990 to alleviate an anticipated shortage of scientists and engineers, particularly

at a Ph.D. level. But by the time this program was in place, the Berlin Wall had fallen, there was an economic downturn, we had gone into a recession, downsizing was rampant in defense and other industries, and we really never needed the program. The people that were proponents of this program were primarily the National Science Foundation and some industry groups.

But the information technology companies have gotten smart. They said, here is a program, we can import workers; and in fact they become indentured servants. We own them. If they complain about the work hours, if they complain about the salary, if they complain about the benefits, we will send them back to the country they came from. And what has happened is, we have seen tremendous numbers of layoffs of American workers while these foreign workers have been brought into this country. This needs to be looked at.

And I would ask, Mr. Speaker, that other Members of this House would look at this program and we can stand up for American workers and get training and retraining for our workers for these jobs.

#### INFORMATION TECHNOLOGY PARTNERSHIP ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I think my colleague has pointed out a problem, and I think there is at least one other.

There are 346,000 unfilled information technology jobs nationwide. And one of the problems is that the results of the Third International Mathematics and Science Study, called the TIMSS, shows that American high school seniors rank near the bottom in math and science education when compared to their international counterparts.

I am attempting to find a solution, so I have introduced House Resolution 3496 that was heard in committee today, the Information Technology Partnership Act, which creates an additional grant program through the National Science Foundation and the Urban Systemic Initiative Program. The Urban Systemic Initiative Program focuses primarily on math and science by using mentor teachers to help educators introduce an innovative and engaging math and science curriculum to K through 12 students in the inner city.

The IT Partnership, that is, the information technology partnership grant is aimed at improving scientific and mathematical literacy of all students in urban communities while fostering a student's career in the information technology field. This partnership consists of local education agencies and local businesses investing in the educational development of the

youth in their districts. Specialized curricula and scholarships would assist students in filling future information technology jobs.

My district is driven by technology; and so we see firsthand not having enough people trained in this country. And, yes, people are being brought in and information is being developed outside this country, but not because of trade and not because of avoiding any other type of barrier. It is simply because we do not have them available right now.

So specifically, the IT Partnership Grant focuses on math and science curricula for students in grades 10 through 12 and offers internships and scholarship opportunity for students majoring in fields relating to information technology. Under this program, eligibility for the IT Partnership Grant is limited to the cities with the largest number of school age children, ages 5 to 17, living in economic poverty as determined by the 1990 census.

The following cities are eligible for this grant: Atlanta; Baltimore; Bayamo; Boston; Chicago; Cincinnati; Cleveland; Columbus, Ohio; Dallas, Texas; Detroit; El Paso; Fresno; Houston; Indianapolis; Jacksonville; Los Angeles; Memphis; Miami; Milwaukee; New Orleans; New York City; Phoenix; Philadelphia; Ponce; San Antonio; San Diego; San Juan; and St. Louis.

The grant awards five local education agencies \$300,000 to develop math, science, and technology curricula for grades 10 through 12 and to train teachers in technology. That is a problem we have throughout this Nation.

In order for the local education agencies to win this grant, they must enter into a partnership with businesses in their community. These businesses would commit to provide to the local education agencies a minimum of at least internships, scholarships, and mentoring programs and computer products. Local businesses would promise the local education agencies scholarship money, which would be awarded to high school seniors. You see, because these businesses have a stake, their future depends on having qualified people to do the job, and seniors who would be majoring in these fields associated with information technology, that is, math, computer science, and engineering at 2- and 4-year colleges. The partnership between the local education agencies and local business sponsors would determine the amount and the number of scholarships given.

It is important to note that the local education agencies will have direct responsibility for overseeing the program, and the National Science Foundation's role is limited to determining which 5 cities meet the criteria for eligibility. We would like to award them all, but are trying to think about staying in the budget even though we are not doing what we should for education if we are going to have a cutting-edge Nation in the future.

The National Science Foundation director will award the IT Partnership Grants to 5 cities with the best package of business sponsorship and curricular development. In addition, priority will be given to those local education agencies that grant scholarships to students who are first generation college students.

I hope, Mr. Speaker, that we can get up support for this legislation. Because there are companies, and I have many in my district, that are screaming out for these people to be qualified so they can give them jobs.

#### JIMMY HERMAN—WARRIOR FOR JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, sadly I rise to call to the attention of my colleagues the passing of a good friend of working people in America, Jimmy Herman.

Jimmy Herman is one of the most respected and beloved labor leaders in San Francisco history, and he died on Friday. He was the president emeritus of the International Longshoremen's and Warehousemen's Union.

Jimmy was known for his enormous compassion, commitment to workers' rights and social justice. His life was truly about justice. He was also an extraordinary orator who inspired thousands to take up the cause of workers' rights, justice for farm workers, peace in Vietnam, to name a few. His death marks the end of an historic era in the labor history of the San Francisco Bay area and our Nation.

Jimmy devoted his life to building a strong, democratic and multiracial trade union. Since the big strike of 1934, the ILWU has provided democratic and strong representation that gives voice, and that is "democratic" with a small "d", Mr. Speaker, to the aspirations of working people up and down the West Coast.

The ILWU broke down barriers denied members of minority groups by providing access to a decent standard of living. It also provided a powerful means for working men and women to make a contribution to the political and social fabrics of their communities.

Under the leadership of Harry Bridges, followed by Jim Herman, the ILWU faced head-on the great political challenges of our Nation, refusing in the 1930s to load scrap metal on ships bound for Japan or to unload cargo in ships bearing the Nazi swastika.

Jim Herman led his union in its efforts to oppose the apartheid regime in South Africa, leading his members in refusing to unload cargo sent from South Africa. Jim Herman had a social conscience that did not allow for rest or moral fatigue. His moral leadership played an important role in bringing about a negotiated end to the war in El Salvador.

In November 1989, Neighbor to Neighbor, a national grass-roots human rights organization based in San Francisco, launched a boycott of Salvadoran coffee to apply economic pressure on the Salvadoran Government and the coffee growers, many of whom had founded and funded the notorious death squads. The boycott was triggered by the murder of 6 Jesuit priests and the bombing of a Salvadoran trade union federation.

My chief of staff in San Francisco, Fred Ross, was the head of Neighbor to Neighbor at that time. So I was well aware of Jimmy's leadership and involvement. Under Jimmy's leadership, the ILWU strongly endorsed the coffee boycott. The members honored picket lines on the docks of San Francisco, Vancouver, B.C., Seattle, and gave the *Ciudad de Buenaventura* ship loaded with 43 tons of Salvadoran coffee a final rejection in Long Beach, forcing it to sail back to El Salvador with its coffee in its hold.

□ 1845

The ILWU effectively sealed off the West Coast from shipments of Salvadoran coffee over the next 2 years.

Another cause that Jim Herman championed was that of the farm workers led by Cesar Chavez. He was one of the first labor leaders to go to Delano to join the farm workers on the picket line. Later in his life he was a mentor to people at Delancey Street Foundation in San Francisco.

I will submit for the RECORD some of the particulars of his background which is an extraordinary one.

On this Earth, God's work for the poor, the disenfranchised for peace and social justice was done with love and compassion by Jim Herman throughout his lifetime. He was truly a warrior for justice.

My heartfelt sympathies go out to his two brothers, Rodman Herman and Milton Herman. On a very personal note, I along with the gentlewoman from California (Ms. ESHOO), the gentleman from California (Mr. MILLER) and many other members of the California delegation have lost a friend, a person who loved life, loved politics and all of the art of the impossibilities. Jim Herman's passion for life was matched only by his rage for justice.

He is now our shining star, the one with the twinkle of merriment for all to see as night draws near, the twinkle that we will miss in his eye forever. We will miss you, our dear Jimmy, our sweet friend.

Born in Newark, NJ on August 21, 1924, son of a school janitor, Jim Herman went to sea in the early months of World War II. Sailing was a tough, lonely business, "... But it provided the opportunity to read everything in reach, and to talk with people who had seen it all," Jimmy once remarked.

As a 16-year-old in 1942 he served on a freighter backing up the invasion of North Africa. After the war he was a steward on the *Lurline* during its majestic cruises between San Francisco and Honolulu. In 1949 he led a

walkout that forced the *Lurline* empty and silent for 6 months in solidarity with an ILWU strike in the massive sugar cane fields of Hawaii.

In 1953, he joined Warehouse Local 6 in San Francisco. In 1956 he moved to Ship Clerk's Local 34, where he was elected vice president in 1960 and president 1 year later. He was re-elected every 2 years thereafter, until his election to the presidency of the ILWU in 1977.

His leadership was characterized by the continuation of the rank and file style of the leadership which had characterized the ILWU during Bridges' years. Under Jim Herman's leadership, through five sets of negotiations, the daily wage of longshoremen more than doubled, and the maximum monthly pension benefit tripled.

In 1988, he steered the ILWU toward affiliation with the AFL-CIO, ending a long chapter of exclusion which had benefited neither the ILWU nor the Nation's labor movement. Throughout his presidency he was the ILWU's ambassador, building and strengthening the union's relationships with maritime and other unions, and within the larger community. Most of all, he kept the ILWU—with its broad and complex jurisdiction in the maritime industry, tourism, warehouse and distribution, manufacturing and processing—strong and viable in extraordinarily difficult times.

The labor movement was his family. "The labor movement offered me a chance to be part of history, not just a passive observer," he has said. "I'll never be able to repay that debt." It's not for lack of effort. Take Jim Herman's mentorship with the young men and women putting their lives back together at Delancey Street. "He makes me cry," says Mimi Silbert, president of the drug and alcohol rehabilitation program. "Two of three times a week he drops by to have coffee with the residents, talking, getting them interested in the world outside themselves, strengthening their faith in themselves."

#### CONGRESSIONAL TRIP TO KOSOVO

The SPEAKER pro tempore (Mr. BOB SCHAFER of Colorado). Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, just yesterday I returned from the Balkans along with the gentleman from Virginia (Mr. MORAN) and the gentlewoman from New York (Mrs. KELLY). We had hoped to go into a region called Kosovo to monitor elections that were being held this past Sunday by the Albanians in the region of Kosovo who make up 90 percent, 2 million people, 90 percent of Kosovo, but have no political, economic or human rights whatsoever.

I have been to Kosovo a number of times, and I can tell my colleagues the people, they are truly a people under oppression. We have witnessed during the past few weeks, Mr. Speaker, the wanton killings of men, women and children by the Serbian police forces going into villages and slaughtering people. It reminds us of what happened in Bosnia early on. If the West, particularly the United States, does not

take strong action early on, we will wind up with another Bosnia in Kosovo.

Kosovo again are people, Albanians, 90 percent ethnic Albanians, they have no rights, they have no political rights, they have no economic rights, unemployment is high, they cannot teach in the Albanian language. They are constantly oppressed, harassed, beaten and murdered. This Sunday they conducted their own elections. The Albanian leadership conducted their elections. Dr. Ibrahim Rugova was reelected as the president. They elected a parliament. This parliament and Dr. Rugova had been elected 6 years ago but the parliament had never been allowed to meet under threat of jail or exile.

We had hoped to go there, but we were stopped at the border. First, we were denied visas here in Washington and then we were denied visas when we flew to Macedonia; in Skopje we could not get visas. We went to the border and we were stopped by the Serbian guards, who told us we could not get in.

It is unprecedented that three Members of this Congress would be barred from visiting another country. This is the first time that I have been barred and the first time I have heard of Members of Congress being barred. But again it shows the arrogance of the leadership of the Serbian government, particularly President Milosevic, who has done the kind of atrocities in Europe that makes one remember the Nazi era, with the ethnic cleansing and the genocide being perpetrated first on the Bosnian Muslims, now on the Albanians, a constant pattern of harassment and killings and intimidation of the Albanians.

The people of Kosovo I believe have the right to self-determination, the same self-determination we would want for ourselves or for all free peoples around the world. They have the absolute right to determine their destiny. They have the absolute right to determine their political future if they want to be an independent republic.

I personally, this Congressman support them, and if they want to do whatever they want to do as a free people, they have the right to do so. The United States must very strongly stand with them. This House last week passed a resolution sponsored by the gentleman from New York (Mr. GILMAN) and myself and lots of other people calling on the Serbs to end their oppression, condemning the Serbian oppression against the Albanian majority in Kosovo. The contact group is meeting tomorrow. Under the able leadership of Ambassador Gelbard and Secretary of State Albright they will be pushing for further sanctions on the Serbian regime. They have to understand that the people of Kosovo need to be free, the people of Kosovo will not tolerate and the people of the world will not tolerate the wanton slaughter of innocent men, women and children.

They went into villages and just killed people. This is unheard of. We

will not stand by and allow genocide and ethnic cleansing to continue. The gentlewoman from New York (Mrs. KELLY), the gentleman from Virginia (Mr. MORAN) and myself all took very, very strong stands. It was outrageous that we were not allowed to go into the border. We can only say that the Serbian leader must be hiding something because he does not want us to know the truth.

To add insult to injury, while we were not allowed to go to the border, Mr. Milosevic's forces jailed six Americans on trumped-up phony charges, jailed them and put them in prison. Thankfully, those prisoners were finally released yesterday after our State Department intervened, after the three of us made very strong statements urging their release, and they are here in Washington and we are going to meet them in a little while to have dinner with them, and tomorrow morning we are calling a press conference to let the world know what we saw and the brutality that Milosevic is putting onto the Albanian people. We are going to have these Americans who were imprisoned against their will join us at the press conference.

I would like to now yield to either one of my colleagues if they would like to comment. We are going to spend the next 15 minutes talking and comparing notes and letting the American people know precisely what is happening.

#### CONGRESSIONAL TRIP TO KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, I too just returned from the Republic of Macedonia, where I participated in this 14-member bipartisan congressional mission to Kosovo, invited to observe presidential and parliamentary elections in the Republic of Kosovo. We also sought to learn the facts surrounding the brutal repression currently taking place in Kosovo by the Serbs. Our mission was simply to observe and bear witness to the happenings in this troubled part of the world.

Unfortunately, the Serbian leader, Slobodan Milosevic, denied our entry into Kosovo. Let us be clear. We worked very diligently in advance of this trip to ensure that we would receive our visas to enter Kosovo. We contacted the Yugoslav embassy in Washington well in advance of our trip. We submitted our visa applications and generally provided whatever information was needed to support this important trip.

We waited several days for a response to our request and called the embassy on a daily basis to inquire into the status of our request. The answer always came back the same, "We are considering it. We'll get back to you." With still no answer, our delegation made the decision to proceed with the hope that we would be granted visas. Unfor-

tunately, we arrived in Macedonia, which borders Kosovo, to the disappointing news that our request had been denied.

Why? Supposedly the reason given was the inadequacies of the information we provided in our visa applications to the Yugoslav government. Perhaps the true reason was that President Milosevic did not want us to see firsthand the brutal campaign of repression he has waged against the ethnic Albanian population of Kosovo.

Despite this denial, Mr. Speaker, we decided to make one last effort to cross the border. We assembled the delegation and made our way to the nearest border post separating Kosovo and Macedonia. The location was a remote one. It was extremely cold as we made our way on foot from the Macedonian checkpoint to the border of Kosovo. Unfortunately, the heavily armed border guards had no intention of allowing us to proceed.

A CNN camera crew which was already across the border in Kosovo was prevented from coming down to the border checkpoint to talk with us. We finally gave up, Mr. Speaker, and returned to the capital of Macedonia, where we established an election monitoring effort there. The election did take place despite repression and violence by Serb police and paramilitary units, and the people of Kosovo elected Ibrahim Rugova to another term as President.

Sadly, the Serbs consider this election an illegal one and continue to deny the people of Kosovo basic human rights, such as the right to choose their own elected leaders. Mr. Speaker, the people of Kosovo want nothing more than to simply live and work in peace, yet the Serbs time and again resort to violence and repression in an effort to maintain control over the former Yugoslav republics.

I want my colleagues in this institution as well as the American people to know of our experiences in simply seeking to observe an election and investigate human rights abuses. I want them to know of the violence that is taking place right now against the people of Kosovo.

I heard today that another half a dozen villages have been surrounded and there is heavy artillery up there around these new villages that have been surrounded. Many are dead, tens of thousands are homeless, and scores of towns are currently under siege by Serbian military units. Innocent civilians are without food and heat. It was recently reported that six ethnic Albanians died from starvation and cold.

I want the world to know of what is going on in Kosovo because we must not allow Kosovo to become another Bosnia. Yet that is exactly what could happen. Until now, the resistance in Kosovo has largely been peaceful and nonviolent. I hope and pray that it remains that way. My greatest fear is that the Serbian brutality and repression results in more armed resistance



in Kosovo which will lead to only greater violence and bloodshed.

We must not allow this to happen, Mr. Speaker. The world community can prevent this if it has the will to do so.

#### CONGRESSIONAL TRIP TO KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, I joined the gentlewoman from New York (Mrs. KELLY) and the gentleman from New York (Mr. ENGEL) over the weekend. Our intent was to go to Kosovo because we were aware of the brutal violence that the Milosevic regime had imposed upon the Kosovo people. They went into villages and wiped out the village. The Interior Minister of Kosovo, who was acting under the orders of Mr. Milosevic, said that if there are even two terrorists opposed to our regime, we consider the entire village opposed and are justified in eliminating it.

They killed 87 people, innocent men, women, children. They lined them up. Many of them they only killed after torturing them. These people were not a threat. Virtually all of them were unarmed. They wiped them out because they were afraid that they might at some point pose a threat to their regime. Why would it be a threat? Kosovo is a country of 2.2 million people. About 2 million of them are Albanian Muslims. A little less than 10 percent of the population is Serbian. Many of those Serbs have been sent there by Mr. Milosevic, who is the head of the Serbian government, that now calls itself the Federal Republic of Yugoslavia, sent to populate Kosovo. Most of the Serbs there did not want to be there. Some of them had been driven out by Croats, out of the Krajina region in Croatia, but the reality is that the vast majority of the Kosovo people want to have their own representation. They had a vote in 1991, overwhelmingly elected Mr. Ibrahim Rugova as the President. That presidency was not allowed to take effect, that government was not allowed to take effect. Mr. Milosevic took over control of the country. The way he maintains control over 90 percent of the population is through the most brutal repression, the same kind of brutality we saw in Bosnia.

□ 1900

I can tell you one instance when I visited Kosovo earlier, there was a school that was fit for about a thousand students. Half of the school was reserved for a handful of Serbian children, the other half, a thousand Albanian Muslim children were consigned to. The government bricked over the bathrooms. One of the parents who had two daughters there complained about the conditions. That man had his body mutilated, was slit from head to toe

and dumped on the doorstep of the family. That is the kind of brutality that enables a very small portion of the population, through a reign of terror, to control 90 percent of the population.

That is why we went there, in defense of human rights, of democracy and, in fact, of free enterprise because the Serbian regime out of Belgrade seized control of the private businesses. The majority of the population are not allowed to own their businesses. They seize the assets of the banks, they deprive people of the means of livelihood. You have an 85 percent unemployment rate in Kosovo. What you have is a landmine that is going to explode.

President Rugova believes in non-violence. The six Americans who were imprisoned believe in nonviolence. In fact they were there to preach non-violent conflict resolution, and yet they were arrested by the police under a phony charge that has never been used before, that they had not registered their exact location with the police. They had moved from one home to another, apparently, and so they had their heads shaved, they were sentenced to 10 days.

This is an untenable situation. It cannot continue in the way it is. We are going to have a press conference tomorrow. We will have a rally tomorrow. I hope that free peoples around the world will join in unison against these repressive tactics, restore independence to Kosovo.

#### THE MISUSE OF EXECUTIVE PRIVILEGE

The SPEAKER pro tempore (BOB SCHAFFER of Colorado). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, last week the President reportedly asserted executive privilege over conversations the President had with his longtime aid Bruce Lindsey as well as conversation the First Lady had with White House aide Sidney Blumenthal. This is the first time since President Richard Nixon, during Watergate, that a President has asserted executive privilege in a criminal proceeding. This stunning misuse of executive privilege is one of the White House's many delay tactics designed to drag out investigations.

As the New York Times editorialized this morning, Mr. Clinton's attempt to block grand jury testimony by two important White House aides, Bruce Lindsey and Sidney Blumenthal, is an alarming attempt to extend presidential power. Even former Clinton advisor George Stephanopoulos recognizes the absurdity of this claim of executive privilege when on This Week with David Brinkley he said, "They cannot win this fight on executive privilege. It has been tried before in the Whitewater case and eventually they turned over the documents." That was a quote from This Week on March 22, 1998.

The President initially raised executive privilege with the Committee on Government Reform and Oversight, my committee, in a deposition of Bruce Lindsey last fall. The President's White House counsel directed Bruce Lindsey not to answer questions regarding conversations Lindsey had with the President about campaign contributor James Riady.

When we challenged the White House on these claims, the President's counsel informed the committee last week that the President would not assert these claims over Mr. Lindsey's conversations. It is important to note that the committee could have held Mr. Lindsey in contempt for refusal to answer the questions if the committee determined that there was no basis for a valid claim of privilege.

The President's former White House counsel, Lloyd Cutler, wrote in a 1994 executive privilege memo, quote, "In circumstances involving communications relating to investigations of personal wrongdoing by government officials, it is our practice," the White House's practice, "it is our practice not to assert executive privilege either in judicial proceedings or in congressional investigations and hearings." End quote.

The President is not following his own order on executive privilege when it comes to the grand jury. Since these proceedings are all behind closed doors, the White House raises frivolous arguments to delay the proceedings. In the light of day with Congress the White House has backed down.

Executive privilege is supposed to be used only rarely when national security would be significantly impaired, conduct of foreign relations would be impacted, or the performance of the President's constitutional duties would be impacted.

This is not Bosnia, this is not the Middle East. These are scandals about possible personal wrongdoing by government and political officials. It has been White House policy since the Kennedy administration not to invoke executive privilege when allegations of wrongdoing are at issue. In contrast to Mr. Clinton, President Reagan declined to claim executive privilege over any matters in Iran-Contra where sensitive foreign policy decisions and negotiations were at issue. Executive privilege is not supposed to be used as a shield against responding to criminal proceedings. This is a clear misuse of the executive privilege.

As George Washington University Professor Jonathan Turley recently stated, quote, "It is ironic to see the extent to which the Clinton administration has adopted executive privilege arguments far beyond those made by the Nixon administration." End quote.

Mr. Speaker, this administration and the President has no basis to claim executive privilege on matters before the grand jury that Mr. Starr is conducting, and, Mr. Speaker, I believe they

are only doing this to extend the investigation, to drag it out, so that it eventually wears out the American people and they are able to hide behind that.

So, Mr. Speaker, I think this is something that should be stopped. I think the President should not claim executive privilege, he should get on with the investigation, he should make a clean breast of all this before the American people so that the American people know the facts.

#### THE PRESIDENT'S HISTORIC VISIT TO AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is important, as we watch the historic visit of the President to the Continent of Africa, to be able to put into perspective this very important trip for it highlights many issues. For many, it was thought that this was a trip to talk about trade and economic development and opportunities of partnership on the issues of trade and economic development between the United States and sub-Saharan Africa, but we are finding that there is much more that can occur and that will occur, and I think it is vital for the countries that the President is visiting to be singled out for their individual merits and as well to acknowledge the problems and the future efforts that will be needed to enhance Africa's international position and as well its friendship and partnership with the United States of America.

I would like to personally acknowledge my appreciation for my own hometown newspaper, the Houston Chronicle, which has taken a great interest not only in the President's visit but the whole new opportunities that may be available, not only for this Nation but for Texas and Houston. They had a very large article on the issue of trade in the African Growth and Opportunity Act, explaining its viability and possibilities for large corporations but particularly small- and medium-sized businesses. They offered and editorialized their support for the African Growth and Opportunity Act and, as well, as I said earlier, they have a reporter from the Chronicle traveling with the President. Likewise, one of my local television stations, ABC Capital Channel 13, is as well viewing this as an important effort.

But what do we expect to see? Many of the news footage yesterday showed the President warmly received by the President of Ghana who has been re-elected democratically and has shown an economic recovery in that country that competes well internationally. We saw a crowd that was, in its excitement, pushing toward the President, and I hope that we understood that his reaction was to protect those who were being crushed in the front and no other reaction other than to recognize how well he was being received.

But do we realize the leaps of faith and success that Botswana has experienced, another country that he will visit, having had democracy for 31 years? As long as it has been an independent country, it has been democratic. It has had few Presidents. The economics of the country is amazing. Housing is there, but yet it has a severe and serious HIV problem, and when I visited in December they offered to say that there were individuals who have seen six members of their family buried due to HIV. Uganda, who has implemented an economic program to increase the employment of the underemployed and unemployed, and yet has some problems which we will work on and need to expose as relates to the rebels' action in parts of that country in doing heinous acts; but the President stands against that, and we must emphasize human rights along with his visit to Rwanda.

As I listened to my colleagues talk about the Balkans, human rights violations and tragic genocide and ethnic cleansing are going on in Africa, and those of us who believe in human rights must stand up against it. It is important for the President to be in Rwanda to talk about these extreme abuses and the tragedies against families and children. It is all right for us to see that, but we must see that in the context of the whole Africa.

And that is why it is so very important as we visit this continent that the President also visits and interacts in South Africa and visits with Nelson Mandela, the father of Africa, who through his peaceful existence for 27 years of incarceration helped bring about the end of apartheid, and now South Africa has its position as one who can lead Africa in the course of economic development and human rights.

Then the President's visit to Senegal is extremely important as he realizes the tragedy of slavery. I hope that this will generate a healing process, and I hope that many who will view this will acknowledge the importance of this trip, Mr. Speaker, and that we will work together to heal any racial divide and, as well, bring us together around issues like an apology to African Americans because we have seen the connection and the viability and the positive relationship.

#### CONGRATULATIONS TO INDIA'S NEW PRIME MINISTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to express my congratulations to the newly-elected leader of the world's largest democracy, Mr. Atal Behari Vajpayee was sworn in last week as the Prime Minister of India. India's Parliament will hold a confidence vote later this week on Prime Minister Vajpayee's new government. Pending

the outcome of the confidence vote, the Prime Minister is poised to lead the world's second most populous nation into the 21st century.

Mr. Speaker, the new Prime Minister is a veteran political leader in India who was once introduced by Prime Minister Nehru, India's first Prime Minister, as the future Prime Minister of India. He is a member of the party commonly referred to as the BJP, which has been described as a nationalist party. While some media accounts have portrayed the party in a negative light, Prime Minister Vajpayee has shown every indication of his intent to follow a moderate course. He has already reached out to India's neighbors, Pakistan and Sri Lanka, expressing the desire to build on recent efforts to foster friendlier relations among the nations of south Asia. In fact, the Prime Minister also intends to oversee the foreign affairs portfolio. During the 1970s Mr. Vajpayee served as Foreign Minister in a coalition government and won widespread praise for helping to reduce Indo-Pakistani tensions.

□ 1915

He has also indicated that he intends to stay the course on the free-market reforms that have transformed India into one of the world's most dynamic emerging markets.

Mr. Speaker, Prime Minister Vajpayee has also spoken of his commitment to maintain the secular principles of India's constitution.

I had the opportunity to meet the new Prime Minister last year in New Delhi, then in his capacity as leader of the opposition in the Parliament. I also met with members of his shadow cabinet, many of whom will now assume the leadership of the various ministries.

I found Mr. Vajpayee and his colleagues to be sincerely dedicated to building a better future for India's nearly 1 billion people, continuing the free-market reforms while better developing the nation's infrastructure.

Given the negative characterizations of the BJP as a chauvinistic or fundamentalist party, I was impressed by the party's grassroots strategy of building alliances with regional parties representing India's many ethnic and religious groups.

Perhaps most important, as a visiting Representative of the U.S. Congress, and by extension of the American people, I was very happy to hear of Prime Minister Vajpayee's strong desire to work for close ties between India and the United States.

True, there have been some voices in India expressing concern about protecting India's culture from too much American or Western influence, but the leaders of India's new government have made it very clear, in my meeting with them and in the countless other forums, that they welcome U.S. trade and investment.

In fact, BJP leaders often point out that their party was at the forefront of

calls to introduce free-market reforms in the Indian economy. This increased trade and investment translates into additional revenues for American companies and good jobs, I believe, for American workers.

It also means the prospect of better opportunities for the people of India, a growing market for American goods and services, and a long-term stability in a strategically vital region in the world. All in all, it is a win/win situation.

Mr. Speaker, obviously the United States and India are not going to agree on every issue. There will undoubtedly be occasional diplomatic tiffs between our administration and the new BJP government. But the underlying relationship between the United States and India is based on shared values of democracy and a commitment to economic development.

The people of India have spoken through elections in which more than 300 million people participated. While no single party gained a majority in the Parliament, the BJP won a plurality and has been given this historic opportunity to form a government. As a legitimately elected head of government, Prime Minister Vajpayee deserves our respect.

Expressions of congratulations have poured in from around the world. President Clinton called the Prime Minister, and the two leaders had a 10-minute conversation that focused on continuing on the path of strong bilateral ties. I hope that those who have viewed the BJP in a critical or suspicious way in the past will join me in congratulating the Prime Minister and wishing him and his government well.

I also wanted to point out that India's Parliament has elected as its Speaker G.M.C. Balayogi, a member of the TDP party. His election shows the BJP's willingness to form coalitions with other parties and to provide key positions of leadership for members of other parties.

Mr. Speaker, many of our Members of the House, both on the Democratic and Republican side, are members of our Congressional Caucus on India. And we look forward to the new government's relations and improved relations between the United States and India, because we do believe it is very important to continue the strong ties and the closer relationships that have grown in the last few years between our two countries.

#### ECONOMIC EQUITY FOR WOMEN

The SPEAKER pro tempore (Mr. BOB SCHAFER of Colorado). Under the Speaker's announced policy of January 7, 1997, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes as the designee of the minority leader.

Ms. NORTON. Mr. Speaker, I rise to lead a special order on economic equity for women. I expect to be joined by other women Members of Congress,

perhaps by some men as well. They would be welcome. I have already been joined by the energetic and able gentlewoman from New York (Mrs. MALONEY), to whom I will yield in a few moments.

I come to the floor this evening during this special Women's History Month, Mr. Speaker. During this month, women Members, and we are proudly 50 Members strong in this House, of course, when you consider that there are 440 Members, we are the first to concede that we are proud, but not pleased, but we are proud to honor Women's History Month by participating in a number of floor speeches simply to keep before this body what I know most Members would not want to forget, and that is that women's issues increasingly dominate much of what concerns America, often as family issues.

This evening I want to devote my own time to discussion of specific aspects of economic equity, but I remind the body that this general subject covers a multitude of problems, among them old-fashioned discrimination against women in everything from sports to jobs, women's new rise in small business, women's special place as now primary in their dependence for their economic survival and benefit on a whole set of gender neutral economic programs, among them Social Security.

We say watch when you change Social Security, particularly when you talk about privatization, that you do not forget who lives the longest and who is most dependent on Social Security, and consider whether or not they will quickly and freely enter the market, particularly since it is low wage workers, among whom women are the predominant group who are most dependent on Social Security.

The earned income tax credit where many women, this very month, simply would have thousands of dollars in reduction in pay were it not for the earned income tax credit, which goes in this country predominantly to women who are, again, the low paid workers of America, minimum wage.

We got a minimum wage through, I think in no small part because this body understood it was talking about women, women vote, and women understood that that vote was a women's vote because two-thirds of those who qualify for the minimum wage, in a very real sense, to our shame, are women and women with children at that.

Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MALONEY) and thank her for coming to the floor to speak on an aspect of this subject.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise today to join my colleagues from the Women's Caucus as we work to bring greater attention to the issue of economic equity for women.

I thank my colleague, the gentlewoman from the District of Columbia (Ms. NORTON) for her valuable leadership, both of the Women's Caucus and on this critical issue.

I do want to note that, in her notice for this special order on economic equity for women, she cites a quote from the United States Bureau of the Census. And I would like to read this quote into the RECORD. It says, "The median earnings of women with a strong commitment to workforce were \$23,710 while those of men were a substantially greater \$32,144."

I would like to bring notice to this, not only for the important data that is below that points out the discrepancy between the earnings between men and women, but as an example of how we use census data over and over again in our everyday lives to know where we are as a Nation, where we are going as a Nation. Without good data, we are just another opinion.

This is one example of how the census data helps us track the progress or lack thereof of women in the workforce and that we, likewise, need to work for a fair and accurate census that is coming up.

Mr. Speaker, the Women's History Month is traditionally a time to highlight women's achievements and an opportunity to increase public awareness of the unique contributions women have made throughout history.

It is true that American women have made great strides. Women break through more personal and professional barriers every day, and we all should take pride in these many accomplishments. But we cannot afford to rest on these laurels, because the facts also show that there is a great deal of work that needs to be done.

The sad reality is, almost 35 years after the Equal Pay Act was passed, there is still a huge wage gap. In fact, women earned equal pay in only two out of 90 jobs tracked by the Bureau of Labor Statistics in 1995.

While the wage gap has narrowed by 15 percent since 1981, white women still make just 74 cents on the dollar to a male dollar. The situation is worse for the women of color. The wage gap for African-American women is 64 cents to the male dollar. For Hispanic women, it is 53 cents. This fact should make us all angry. We should all be indignant when women are not paid the same as men for the same exact same job, comparable work.

Pay inequity is yet another example of the lingering sexism and racism that is still in our society. Most of the wage gap cannot be explained away by differences in education, experience, or other legitimate qualifications. Even among recent college graduates, women earned 15.7 percent less than male graduates. While there has been some real progress, there is still a cultural bias against, in some cases, women workers.

There are still antiquated perceptions that women possibly do not need

as much money as men, but they do. Women support their families. Their income is very much an important part of a two-wage family income. Yet, great women are supporting their families alone. As many as one in five American families are headed by women. Many two-parent families could not make it without both incomes.

Clearly, economic equality is a fundamental issue for women. It goes straight to the heart of how we care for our families and the roles we play in our communities and the security of our retirement years, which my colleague is focusing on and mentioned earlier.

Women continue to battle the glass ceiling, and virtually every profession is now open to us. But women have not yet broken the wage barrier. The notion of equal pay for equal work is so basic to the values of this country. If we genuinely want an equal society, we need to show women we value their work.

This country can do better. We must do better. And we are working to achieve it.

Mr. Speaker, I include for the RECORD "101 Facts On The Status of Working Women", which is important information that we need to look at during this Women's History Month:

#### 101 FACTS ON THE STATUS OF WORKING WOMEN

##### WOMEN AND THE LABOR FORCE

1. In January 1997, there were 105 million women age 16 and over in the U.S. Of that total, 62.7 million (59.7%) were in the civilian labor force (persons working or looking for work).

2. The U.S. Department of Labor is projecting that between 1994 and 2005, women's labor force participation will increase from 46 to 48%—nearly double the growth rate for men.

3. In 1995, 3.6 million women held more than one job.

4. In 1995, 60% of all employed women worked in traditionally female dominated occupations.

5. Two out of every three temporary workers are women.

6. Women comprised 44% of the total number employed in executive, administrative and managerial positions in 1996, up from 39% in 1988.

7. In 1996, 42% of women in executive, administrative and managerial positions were employed in the service industry, compared to 31% of men. Women are also much less likely than men to be employed in manufacturing, construction, transportation and public utilities.

8. Of the 1,960,000 engineers in the U.S. in 1996, only 167,000 (9%) were women, up from 2% in 1976.

##### PAY EQUITY

9. Since 1981, the wage gap has narrowed from 59% to 71% in 1996—a decline of less than a penny per year.

10. The wage gap for African American women is 64 cents to a white man's dollar; for Hispanic women it is 53 cents.

11. The average woman loses approximately \$420,000 over a lifetime due to unequal pay practices.

12. The total amount of wages lost due to pay inequity was over \$130 billion in 1995.

13. About 60% of the improvement in the wage gap during the last 15 years can be at-

tributed to the decline in men's real earnings.

14. According to a recent report, between one-third and one-half of the wage difference between men and women cannot be explained by differences in experience, education, or other legitimate qualifications.

15. Demonstrating that there is still not equal pay for equal work, in 1995 female sales workers earned 43.1%, female managers 32%, female college professors 22%, administrative support 22%, health technologists and technicians 18%, female elementary school teachers 12%, and female nurses 3.1% less than their male colleagues.

16. At all educational levels, women suffer from a wage gap compared to male workers. College educated women earn \$14,217 a year less than college educated white men, and only \$794 more than white men who have never taken a college course.

17. College educated African American and Hispanic women annually earn \$17,549 and \$14,779 less, respectively, than their white male colleagues, and college educated African American women earn \$2,558 less than white male high school graduates.

18. Even among recent college graduates, women earn 15.7% less than men.

19. While women constituted 46% of the work force in 1995, over 63% of all workers earning the minimum wage or below were women.

20. The median weekly earnings for all men in 1996 was \$557, compared to \$418 for all women, \$362 for African American women, and \$316 for Hispanic women.

21. Women in unions in 1995 earned weekly wages that were 35% higher than women who were not union members.

22. Poverty rates are higher at every age for women who live alone or with non-relatives than for their male counterparts.

##### WOMEN-OWNED BUSINESSES

23. According to the National Foundation for Women Business Owners, there are nearly eight million women-owned businesses in the U.S., employing over 18.5 million people and generating close to \$2.3 trillion in sales.

24. In 1996, women-owned firms accounted for over one-third (36%) of all firms in the country, and provided employment for one out of every four (26%) U.S. workers.

25. The growth of women-owned businesses is outpacing overall business growth by nearly two to one, with an average of 1,400 starting each day.

26. Between 1987 and 1996, the number of women-owned firms increased by 78% nationwide, employment by these firms increased by 183%, and sales grew by 236%.

27. Women-owned firms are more likely to remain in business than the average U.S. firm. Nearly three-fourths of women-owned firms in business in 1991 were still in business three years later, compared to two-thirds of all U.S. firms.

28. An estimated 3.5 million women-owned businesses are home-based and employ 14 million full- and part-time workers.

29. Women business owners are more likely than all business owners to offer flex-time, tuition reimbursement, and profit sharing, and are more likely than men to volunteer and to encourage their employees to volunteer.

30. Women will own 40 to 50% of all U.S. businesses by the year 2000.

##### WOMEN IN THE FORTUNE 500

31. According to a 1996 Catalyst study of the Fortune 500 companies, 1,302 out of 13,013 (10%) corporate officers are women, up from 8.7% in 1994.

32. A total of 394 companies (78%) have one or more women corporate officers, up from 77% in 1994, and 105 companies (21%) have no women corporate officers, down from 23% in 1994.

33. Student Loan Marketing Association (Sallie Mae) is the only company with women in more than half (57%) of corporate officer positions.

34. Women comprise 57 (2.4%) of the 3,430 highest corporate rank positions (chairman, vice chairman, CEO, president, COO, EVP).

35. The highest level of women corporate officers can be found in savings institutions (22%), while the lowest level is found in brokerage firms (4%).

36. Only 47 (1.9%) of the 2,500 top earners in the Fortune 500 are women.

37. Of all of the Fortune 500 companies, 417 have women on the board of directors, but only 177 (35%) have two or more women. Eighty-three companies (17%) have no women on their boards.

38. The rate of increase of women on boards is actually decreasing—it grew by 9% in 1994, 7% in 1995, and 3% in 1996.

39. Only 626 (10.2%) out of 6,123 of board positions are held by women.

40. A total of 53 women of color sit on boards (12.6% of women board members, 1.4% of total members).

41. The industry with highest number of women on boards is the soap/cosmetics industry with 19%, while the mail/package/freight delivery industry has the lowest number, with only 3%.

42. The industries with the highest percentage of companies with no women on boards (43%) are computers/data service, engineering and construction.

43. There is a direct correlation between the number of women on a company's board and the number of women serving as corporate officers and at the highest corporate level at that company. Companies with one woman board member have an average of 7.1% women at the highest corporate levels, whereas those with three or more women on the board have 30.4%.

##### WOMEN IN POLITICS

44. Four women serve in the Cabinet of the second Clinton Administration.

45. Two women occupy seats on the U.S. Supreme Court.

46. In 1997, women hold nine (9%) of the 100 seats of U.S. Senate and 51 (11.7%) of the 435 seats in the U.S. House of Representatives. In addition, two women serve as Delegates to the House representing the District of Columbia and the Virgin Islands.

47. Of the 62 women serving in the 105th Congress (including the two Delegates), 12 are African American, four are Hispanic, one is Asian American/Pacific Islander and one is Caribbean American.

48. California has sent more women to Congress than any other state—a total of 21. Seven states have never elected a woman to either the U.S. House or Senate. They are: Alaska, Delaware, Iowa, Mississippi, New Hampshire, Vermont and Wisconsin.

49. Currently, two women serve as governors of their states and 18 women serve as lieutenant governors.

50. Women hold 25.1% of the 3223 available statewide elected executive offices in 1997, an increase from 18.2% in 1992.

51. In 1997, 1,597 (21.5%) of the 7,424 state legislators are women, up from 18.3% in 1991 and 5.6% in 1973.

52. Of the 100 largest American cities, 12 have women mayors.

##### OLDER WOMEN'S ISSUES

53. Women on average can expect to live 19 years into retirement while men can expect to live 15 years.

54. In 1993, 48% of women employed full-time by private employers were participating in an employer-provided retirement plan.

55. Almost 12 million women work for small firms that do not offer pension plans.

56. Only 39% of all working women and fewer than 17% of part-time working women are covered by a pension plan.

57. Less than 33% of all women retirees age 55 and over receive pension benefits, compared to 55% of male retirees.

58. The median amount of women's pensions is \$250 monthly, compared to \$650 for men.

59. Two-thirds of working women are employed in sectors of the economy that have the lowest pension coverage rate, including the service and retail sectors.

60. Workers covered by union agreements are nearly twice as likely to have a pension. Women, however, are half as likely to be in these jobs.

61. Since women change jobs more frequently than men—women stay with an employer for an average of 5.8 years, compared to 7.6 years for men—many women leave jobs before they reach the required years of service to qualify for employment retirement plans, usually five to seven years.

62. Only 20% of all widows receive a survivor pension, which is usually only 50% of what their husbands benefits had been.

63. Fewer than one-fourth of divorced women age 62 and older receive any employer-sponsored pension income, whether from their own or their ex-husband's past work. Often, divorced women are left with no share of their ex-husband's pension, even after a long marriage.

64. In 1995 women comprised only 58% of the total elderly population but comprised 74% of the elderly poor. Older women are twice as likely as older men to be poor, and nearly 40% of older women living alone live in or near poverty level.

65. A widowed woman is four times more likely, and a single or divorced woman five times more likely, to live in poverty after retirement than a married woman.

66. Of all unmarried women age 65 and older, 40% rely on Social Security for 90 % or more of their household income.

67. The U.S. has the greatest percentage of elderly women in poverty of all the major industrialized nations.

#### WORKING FAMILIES

68. The net increase in family incomes between 1973 and 1993 was driven almost entirely by the gains for married couples with working wives, the only family type for which real income increased significantly over the period.

69. Despite the fact that employed mothers and fathers work in similarly sized organizations, fewer mothers than fathers are eligible for coverage under the Family and Medical Leave Act (FMLA) because of women's higher rate of part-time employment.

70. In 1960, women were the sole support of less than 10% of all families. In 1994, this figure was 18.1%. Of these, 38.6% had incomes below poverty level.

71. Most women will spend 17 years caring for children and 18 years helping an elderly parent. Eighty-nine percent of all women over age 18 will be caregivers to children, parents or both.

72. Less than one-fourth of new mothers leave the paid labor force.

73. Women average 11.5 years out of the paid labor force, primarily because of care giving responsibilities; men average 1.3 years.

#### HEALTH ISSUES

74. It is estimated that 19% of women in the U.S. are uninsured. Hispanic women are 2.5 times and African Americans are 1.8 times as likely to be uninsured than white women.

75. Women and their children are disproportionately represented among the nation's uninsured population, primarily due to women's segregation in service and retail jobs, which have low rates of employer-provided insurance and low wages. In 1993, 59%

of uninsured women were from families with an annual income of less than \$25,000.

76. More than 184,000 women were diagnosed with breast cancer in 1996 and 44,300 women died from the disease. Research indicates that universal access to screening mammography would reduce breast cancer mortality by 30%.

77. Many poor women and women of color do not have access to mammography screening because they lack health coverage and earn low wages. Because Medicare requires a woman to pay a share of the cost, 85% of women covered by Medicare only (without supplemental coverage) did not have a mammography screening in 1992 or 1993.

78. More than 52% of uninsured women ages 18–64 did not have a Pap Test in 1993.

79. Almost one in four women does not receive prenatal care during the critical first trimester of pregnancy. Hispanic and African American women are twice as likely as white women to receive little or no care.

80. While men have higher death rates from many diseases, women suffer more from chronic and debilitating physical and mental illnesses. Minority women disproportionately suffer from the chronic diseases of hypertension, asthma, diabetes and chronic bronchitis.

81. Older women, ages 65 to 85, frequently suffer from multiple chronic diseases: 27% suffer from two chronic diseases and 24% suffer from three or more. Half of women over 80 suffer from osteoporosis.

82. Almost half (49%) of disabled women have annual incomes below \$15,900; 19% are on Medicaid or receive public aid; and 24% live alone.

83. In 1995, 59% of Medicaid recipients and 60% of Medicare enrollees were women. Of the women on Medicaid, 61% have been on for more than two years and 37% for more than five years.

84. Only one-third of women enrolled in Medicare live with spouses compared to over half of men enrolled in Medicare.

85. Women ages 15–44 had out-of-pocket expenditures for health care services (\$573) that were 68% higher than those of men of the same age (\$342).

86. The most common reasons women give for failure to obtain clinical preventative services are cost, lack of time and lack of physician counseling.

87. One in four women report that physicians talk down to them, and one in six women have been told by a physician that a problem was "all in her head."

#### VIOLENCE

88. Each year about one million women become victims of violence at the hands of an intimate—a husband, ex-husband, boyfriend, or ex-boyfriend. This is seven times higher than the rate of violence committed by an intimate against male victims.

89. In 1994, there was one rape for every 270 women, one robbery for every 240 women, one assault for every 29 women, and one homicide for every 23,000 women.

90. Women in families with incomes below \$10,000 per year were more likely than other women to be violently attacked by an intimate. Geographically, however, women living in central cities, suburban areas and rural locations experienced similar rates of violence committed by intimates.

91. Each year nearly one million individuals become victims of violent crime while working or on duty. Although men were more likely to be attacked at work by a stranger, women were more likely to be attacked by someone they knew.

92. One-sixth of all workplace homicides of women are committed by a spouse, ex-spouse, boyfriend, or ex-boyfriend. Boyfriends and husbands, both current and

former, commit more than 13,000 acts of violence against women in the workplace every year.

93. Workplace violence resulted in \$42. billion in lost productivity and legal expenses for American businesses in 1992 alone.

#### WOMEN IN HIGHER EDUCATION

94. Women earn 54% of the B.A.s awarded in the U.S., 52% of the Masters and professional degrees, and 40% of the doctorates.

95. The number of colleges and universities headed by women increased from 5% in 1975 to 10% in 1990. Women of color made up less than 2% of these high-level administrators.

96. In 1910, 20% of college faculty were female. In 1985, women comprised only 28% of college faculty. This is only an eight percentage point increase over a 75 year period.

97. In 1995, women made up only 31% of the full-time faculty of American colleges and universities, up from 26% in 1920—a five percentage point increase in 75 years.

98. Women make up almost 40% of the full-time faculty at public junior colleges, but only 20% of positions at top-ranked public and private research institutions.

#### WOMEN AND CHARITABLE GIVING

99. Women direct 43% of all foundations in the U.S.

100. In 1995, women's average annual charitable contribution was \$983, up 26% from 1993. Men's average annual contribution was \$1,057, only a 6% increase since 1993.

101. 1995 was the first year that women donated a larger share of their annual income than men.

Mr. Speaker, I thank my colleague for yielding. I thank her for organizing this special order and for all of her work for women, children, families, and working families in our society.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from New York for her valuable contribution. May I also thank her for her very valuable work as vice chair of the Women's Caucus.

Mr. Speaker, I want to speak this evening specifically on pay equity for women. This is one of the great issues, working women say their most important issue, more important than issues which also are among their great priorities, education and choice and health care. They say pay equity.

Why should this be so, Mr. Speaker? Well, part of the reason is that women are now close to half of all the workers in the United States. Mr. Speaker, that is an enormous increase from just 1996, when not half, but only less than a third, actually 30 percent of women were in the workforce.

Why have they come in such numbers? I am not sure that all of them are like me, Mr. Speaker, born to work. I think that we all know why women are in the workforce today in such huge and increasing numbers.

□ 1930

I think we all know that wages have been stagnant since the early 1970s, that even with the splendid economy, the American family has sent everybody who could work out to work.

First and foremost, it is women and so almost half of the work force now is female. Perhaps the stagnant wages and increasing entry of women into the labor force helps us understand why pay equity now shows up in polls at the

top, the number 1, top issue for men and women; not women alone, Mr. Speaker, but men and women.

I would hypothesize that the reason that people are saying that equal pay or pay equity, traditionally a woman's issue, is at the top of their agenda, that the reason is that women's pay has now become central to family income.

When the women go out to work with the men and if there is a male in the household, he looks at her paycheck and then looks at his, and he says, how come you are not bringing home what I am bringing home, pay equity shoots to the top of the agenda, because he is talking about his family now. What we have seen is truly extraordinary. This women's issue has morphed into a family issue and into the number 1 issue according to the polls.

That is driven, Mr. Speaker, not only by the fact that women have come in such huge numbers into the work force, it is driven by their lower wages compared to men. Study hard and do your homework, girls are told, and you can grow up to be anything you desire. I was told that, even as a skinny little black girl in the segregated public schools of the District of Columbia.

And so that is exactly what good little girls do; they become good students. And today, it turns out that they have been good at everything except getting the equal pay they have earned.

They have cracked open virtually every profession, but they have yet to crack the wage barrier, Mr. Speaker. They now collect 55 percent of college degrees. Men, Mr. Speaker, get only 45 percent of college degrees today. Women get 65 percent of the 3.5 grade point averages. None of that has done it. Study hard, little girl, and you can grow up to be anything you desire, so long as you do not ask to be paid the same as men who do the same work.

I confess, Mr. Speaker, that I have been chasing fair pay for women for 20 years, since the Carter administration when I chaired the Equal Employment Opportunity Commission. We had the first hearings on pay equity at the EEOC in 1980, and later commissioned the landmark study by the National Academy of Sciences that is remembered and referred to still today because it confirmed that there is comparable pay discrimination against women.

Mr. Speaker, women today have a comparable pay problem, not an equal pay problem. A comparable pay problem comes when people, mostly women, have the same skill, effort, responsibility and working conditions as men, but get paid less for jobs that are not the same, except in all the essentials of skill, effort, responsibility and working conditions.

When I came to Congress, I brought my experience at the EEOC to the only place that can do something about gender bias. My bill, H.R. 1302, the Fair Pay Act, now has more than 60 cospon-

sors; and I thank the Members of this body who have cosponsored this bill with me. It takes the pay gap head-on by barring discrimination based on section or race when jobs are comparable in skill, effort, responsibility, and working conditions.

The Fair Pay Act would end the discrimination between, for example, the pay of a probation officer and the pay of his wife, a social worker. Both these people have gone to college. They may have even come out at the same time, they work every day. He hears from people who have been released from jail and may be on probation for years. She goes into some of the most troubled neighborhoods to work with disadvantaged people and their children. It is time that the Nation seriously ask whether we can expect women to continue to pursue higher education with the same vengeance only to earn close to \$800 more than men who pass up college altogether.

The budget reconciliation bill we have just passed offers tax breaks to help more women and men go to college. We should engage in some self-congratulation for that bill passed last year, Mr. Speaker. Now we must make the incentives to pursue higher education equal for women as for men. Pursuing pay discrimination will send the signal that college pays.

Over and over again we say, we need to send more young people to college. Women have heeded that call so that they can meet the global competition in greater numbers than men. We do not want to have a reverse effect after some years when they figure out that college does not matter in pay.

This signal is surely needed now to counter the danger signals of the 1990s on pay for women. The gender gap has stabilized again.

Mr. Speaker, the increase in closing the gap, or should I say the "decreasing of the gap," has stopped. It stopped at the end of the 1980s. We have seen no real movement since closing in on a man's dollar, and we keep fluctuating, all in the upper 70s, between 70 percent, sometimes getting as high as 75 percent or 76 percent, but always going back down in the ensuing year.

The country simply cannot afford another 25 years of wage gap stability, not with so many women in the work force, not with the greater call for education, not with family income increasingly dependent on women's wages. As we have seen by the gender gap retrenchment of the 1990s, the gap will not close itself, or else it would have simply continued, unabated, to close.

Congress has an obligation to eliminate the gender discrimination that sustains the gap. Good girls who go on to be good students deserve better when they go to work. I think they deserve what my Fair Pay Act would bring them.

Mr. Speaker, I know that this is not a country that will allow the rise in real wages for women that we saw dur-

ing the 1990s to simply top out, that is it, glass ceiling in wages, you have had it; go on for another 10, 15 years, and maybe you will slip up again the way you did in the 1980s. The country will not tolerate that this time. Too many women in the work force are too dependent on their income. And yet, between 1979 and 1997, we have seen increases that encouraged us. Women earned \$395 in median weekly earnings in 1979. That \$395 turned to \$431 by 1997.

Women reached their highest ratio of earnings to men in 1993 when the ratio was almost 77 percent of a man's dollar. Since 1995, and this is the bad news, Mr. Speaker, the wage gap has actually increased so that women in 1997 are showing about 74 percent of men's median earnings.

Some have asked whether or not women have caught the so-called "male wage disease." That disease is the disease, as it were, that has stalled men's wages for what seems like an eternity when they stopped rising in the 1990s. We have every reason to be concerned, Mr. Speaker, because we are now living in the best of times economically.

The fact is that over and over again we are told by everybody from the President to the nightly news that we are now living in the longest period of sustained economic growth since the end of the Second World War. How then to explain the lack of real growth in women's wages and in men's wages during the 1990s?

We explained it for men's wages by saying, well, men were in manufacturing, they were moving overseas, it would all straighten itself out. In that sense, they are in worse trouble than women, because it has been downhill all the way with no respite such as women got during the 1980s when the gap, in fact, was closed.

Mr. Speaker, what concerns me most is that women's wage gap-closing is not explained by the growth in real wages. A substantial amount of the closing of the gap is not closing at all. It is because men have not, in fact, had an increase in their real wages, and that simply leaves them where they are, or declining, causing women to meet them more easily than if their wages had continued to go up since the early 1970s.

This, Mr. Speaker, is not what we had in mind when women started to close the wage gap. We do not mean to do that at the expense of men, our husbands, our fathers, our brothers; and of course, it is not at their expense that we are doing it. What these figures show is simply that they are not rising for whatever reasons women's are and, thus, there is the appearance of the closing of the gap that is in fact not the case.

Beyond the fact that much of the closing of the gap of women's wages is really nothing more than a decline in men's wages, there is also a serious problem, and that is that most of the closing of the gap is not due to an increase in women's real wages.

Mr. Speaker, 41 percent of the closing is due to an increase in women's real wages, but that leaves 59 percent which comes because of the decline in men's wages, and Mr. Speaker, the proportion of the gap that is closed due to the growth in real wages is only 19 percent; and that is in this decade, the 1990s.

□ 1945

Compare that to the 1980s, when the proportion of the closure of the gap for women due to real wage growth was 51 percent. Fifty-one percent of the gap closed because of real wage increases in the 1980s. Nineteen percent of the decrease in the gap in the 1990s is due to an increase in real wages for women. That is unsatisfactory, Mr. Speaker, and it tells us perhaps all we need to know about why pay equity has found itself at the top of the agenda for men and for women.

We are talking family business here, Mr. Speaker. It is family wages that are falling. There is no such thing as women's wages anymore. Women are single heads of households. Imagine what this slow-up in the rise in women's wages means to women who have to support children by themselves.

A third of all children in this country are born out of wedlock. Many more simply live for huge periods of time after divorce or separation with their mothers alone. These women are out here trying to make it on a woman's wage. Even when a woman is part of a two-earner household, men are so disquieted by the failure of the woman to bring home her fair pay that they have joined with women to put pay equity at the top of the list, at least according to the polls; a serious, serious problem.

Mr. Speaker, to get some sense of just how serious it is and why this body needs to pay attention to it, and I offer my Fair Pay Act as one approach at hand, an example comes out of what has happened to the pay of the women one would most expect to be ahead of the game.

Let us look at women with Bachelor's Degrees. Mr. Speaker, they earned \$28,701 in 1996. A man with a Bachelor's Degree earned \$46,702. Let us look at high school graduates. A woman with a high school education earned \$16,161, Mr. Speaker. A man with a high school education earned \$27,642.

Even if we consider that there are some reasons to discount part of this discrepancy, such as perhaps the woman has taken some time out to have children, perhaps the woman, and these are all either high school or college graduates, perhaps the woman has taken some time to have a part-time job, but can you really tell me that the difference should be almost \$20,000 between a man who graduated from college and a woman who graduated from college? That gap is simply too great to be explained away by any explanation except some degree of discrimination in wages for women.

We think that discrimination comes because, Mr. Speaker, wages in this country and throughout the world have been designed for women. When a job is a traditional women's job, throughout human time, that fact and that fact alone has depressed the wage scale. What the Fair Pay Act asks is that one eliminate that factor and that factor alone from wage-setting.

My bill respects the market system. I am not crazy. This is a free market system, and I do not want to change it one bit in that regard. But the free market system does not allow men and women who do the same work to be paid dissimilarly, and the reason is because discrimination is not a market factor, or at least it is not a legitimate market factor.

In the same way, the free market system should not allow discrimination to be a factor in the difference between what a probation officer and a social worker receive. Assuming they are measured objectively by the grade point scale widely used throughout industry, they are performing work that is comparable in skill, effort and responsibility, and working conditions.

Mr. Speaker, there are a number of ways to rectify this matter. I shall be speaking about the filing of a complaint, but I would like to speak to an old-fashioned market system way to rectify this discrimination. That is through collective bargaining.

In every market system one way to legitimately raise wages is simply to bargain for increases, and the theory of bargaining for increases is that the market will keep the union from getting more of an increase than the market will bear. If it does not, workers will be laid off or other sacrifices will have to be made, and the employer's bargaining position in a market system will keep the wage from becoming higher than the market should allow.

I believe we should take a very close look at what unions have done to bring pay equity for women. It is worth noting that white union women earn \$151 more than their counterparts who are not unionized, a 38 percent difference; that black union women earn \$73 more than their counterparts who are not unionized.

Mr. Speaker, these figures are weekly earnings, of course. That figure is an 18.5 percent difference. Hispanic women earn \$24 more per week than their non-union counterparts. That is a 6 percent difference. Looked at at the bottom line, women who are in unions are about one-third closer to union white men's earnings.

Why does this occur through unionization? Why are women increasingly coming to unionization? Why are so many people of color attracted to unionization? Because it tends to standardize wages in and of itself by the way bargaining occurs, and therefore, naturally, to eliminate some of this wage disparity and to reduce wage gaps.

Of course, the fact that women and minorities have a voice in wage-setting

through their unions and the democratic practices of unions means that they can exert pressure on their unions to keep men and women's wages from getting out of line. If the difference is out of line and their consciousness is sufficiently raised, then they can in fact democratically compel their union to bring about greater equalization.

Unions themselves, frankly, have stepped to the forefront often to raise the consciousness of their own members, rather than the other way around. I would like to offer some examples, because I think that they point up what can be done using this traditional market system approach.

AFCSME, which by the way also represents many Federal workers, in the private sector has raised over \$1 billion in wage adjustments alone for women workers. This is the American Federation of State and Municipal Employees.

Their Minnesota pay equity contract is particularly noteworthy. AFCSME in fact bargained for a pay equity study in 1985, and looking at comparable skill, effort, responsibility, and working conditions, AFCSME got a contract that provided \$21.7 million to reduce wage and equity in female-dominated jobs. That was an approximate increase of 9 percent, and it occurred without reducing the number of jobs for women in State government, where this landmark win took place.

That is important to note, again, because the way in which collective bargaining works, if the union finds that it is asking for an increase that the employer will make up for by laying off women or other workers, it gets nowhere. So again, the market system, using collective bargaining, disciplines how one bargains for increases in wages involving pay equity for women. It is a wonderfully neat and classic approach to improving wages for women.

Occasionally this straight-out collective bargaining will not do it. Occasionally, therefore, there have been strikes. In 1981, AFCSME Local 101, Council 57, had to go on strike. This occurred in the City of San Jose, California. What happened as a result, however, was a \$1.5 million increase in female-dominated jobs.

It says something about a union that is willing to go on strike to bring pay fairness to its women workers, because it means that the men and women went on strike. And if the strike was successful, and it was, it was a nine-day strike, by the way, and it was, then what it means is the employer in fact gave an increase, but obviously, not from his point of view, more of an increase than the market would bear.

Another union, SEIU, Service Employees International Union, has moved aggressively in the pay equity area. I am most intrigued by a settlement they won in 1987 in San Francisco.

Essentially what SEIU did was to negotiate a \$35 million settlement with the City of San Francisco. In order to



do that, the city had to put a referendum on the ballot, and the pay equity referendum passed by 60 percent. Twelve thousand workers benefited. Here we see a combination of democracy, collective bargaining, and pay equity for workers.

□ 2000

SEIU deserves a lot of credit for being among the first to raise the issue of pay equity for men of color as well as for women. SEIU has forced a study that shows that in L.A. County, 81 percent of the jobs were sex-segregated and 21 percent were segregated by race. This is the kind of study that often produces action through collective bargaining, Mr. Speaker.

More recently, in 1994, there was another pay equity victory for the SEIU. The Local 715 in Santa Clara, California won nearly \$30 million through achieving changes in job classifications of traditionally women-dominated jobs and jobs dominated by minority workers. In the end, these workers were brought to the wage levels of mixed-gender occupations.

Mr. Speaker, the National Education Association represents not only teachers, but many education support personnel who have been left behind. The NEA has had some notable success in negotiating pay equity for these support workers in various school districts. More than two dozen contracts to be exact; 14,000 personnel affected.

The estimate is that over a worker's career, their pay equity program has brought raises of a minimum of \$10,000 for most of the employees involved, and as much as \$40,000 in the career earnings for many others.

In 1991, the utility workers of America negotiated a pay equalization increase at Southern California Gas Company. Traditional female-dominated jobs saw increases of 15 percent. Typical of the occupation comparisons was the case of the female customer service representative who was equalized with the male service representative or meter reader. That is the way it is parsed out. The inside job is less, the outside job is more. Maybe it should be. But, in fact, often when we look at skill, effort, responsibility and working conditions, that should not be the case.

The Hotel Employees and Restaurant Employees International, Local 34, negotiated a famous contract with my own university, Yale, where I went to law school, in 1988 for its clerical and technical workers, winning for these female-dominated occupations 24 to 35 percent over 4 years, and they had to go on strike to do it. I was on the Yale Corporation at time. Yale held out for a long time. There was a 10-week strike. It was the first pay equity strike in the private sector.

Mr. Speaker, if workers have to do that, they have got to do that. Hopefully, more and more employers will see that it is in their best interest to settle these matters peacefully, a strike peacefully, but a strike, of

course, is almost inherently peaceful. But I would hope that most employers would understand that it is in their best interest to raise the wages of women workers so that they do not have people doing comparable work who are paid less than men who sit beside them or who work outdoors doing comparable work.

The Newspaper Guild, perhaps some think of that as an unlikely union for pay equity, but it is no such thing. Here there have been three pay equity increases in three different newspapers. Examples of jobs that have been equalized are the female insider classified sales jobs and the historic male outside sales jobs.

Mr. Speaker, nonunion workers may also get themselves into voluntary associations of one kind or another to try to negotiate pay equity disparities, but they will be at a severe disadvantage. They may advocate, but each and every one of these cases have required technical expertise, political support and financial resources. Pay equity case or matter cannot be argued without enormous backup. It must be shown that the skill, effort, responsibility, and working conditions are indeed unequal. That is not the case simply because the man in the workplace earns more than the woman in the workplace. The jobs may not be comparable. Most jobs are not comparable. Complainants have got to find in the same workplace two jobs that are comparable and then have to show by a very detailed and technical study that each and every one of these areas, when added up, should result in the same pay. Mr. Speaker, it is a very difficult thing to do, and cannot be done by getting on a PC and figuring it out. It takes lawyers, economists, statisticians, and a whole host of skills. That is why unions have proved most valuable to women and people of color in correcting pay disparity.

Tom Donahue, a good friend and former Secretary-Treasurer of the AFL-CIO, said it best in a hearing in the 1980's: Bargaining about wage rates is something, after all, that we have been doing for decades. That is what unions do.

I recognize that not everyone in this body favors unions or collective bargaining, strange as that may seem in a great democracy like ours. But that is indeed the case. It is either going to be done through that traditional market-oriented approach, collective bargaining, or my Fair Pay Act would do it for nonunion workers and, for that matter, for union workers if the union cannot or does not move forward. And one way or the other, look at the polls. We will see that the American family is demanding that we do something about it.

Mr. Speaker, this discrimination in wages results in no small part because women have only a limited number of occupations, really about six major occupations to which they have essentially been consigned. If a woman walks into a workplace and says,

"What jobs do you have open," Mr. Speaker, if we would like to do the testing, what will happen is the woman will be sent to the woman's track and the employer will not even recognize what he is doing. It is just what he has always done and the company has done for decades. And what happens results in crowding often of qualified and over-qualified people into a few job categories whose talents could take them almost anywhere in the workplace.

The way to undo this is to bring it to the employer's attention, make them undo it, make them understand that it is against the law and the law then has a deterrent effect and it begins to then undo itself, as much discrimination does today. It is discrimination that has reduced these wages.

Mr. Speaker, I repeat, where these wages are unequal, and the cause is not discrimination, I do not call for equalization. I am not trying to build a command wage-setting economy. Not only do I respect the market economy, I glory in what it can do. Of course when it does not do what it is supposed to do, that is what this body is here for, to make sure that people do not unduly suffer while the economic cycle works its way out.

I am talking about pinpointing the discrimination factor in wage-setting, and only the discrimination factor, and I am talking about making the woman do that as a plaintiff if the matter were to turn out to be a discrimination suit.

Mr. Speaker, my backup on that, and perhaps my preference, is collective bargaining. Ultimately, though, we have got to take responsibility for this. We cannot keep sending the woman out to work or having her, as in most cases, go out to work on her own or having her have the responsibility for the family income on her own and saying you are on your own; if you encounter comparable pay discrimination, you are still on your own. Discrimination, and only discrimination is what I am after, Mr. Speaker.

The women of America have so many priorities that we often lose sight of what really is the priority. Is it child care? Is it osteoporosis? Is it breast cancer? Is it affirmative action? Women have spoken in unison with the men. They say it is pay equity. I am out here working every day and want the same pay that I would get if I were a man going out here on the job. If I do not get it, give me a statute that gives me a tool, and employers will begin to do it on their own.

Nobody in this body would want to say to a woman who was a 911 operator, an emergency service operator, that she is worth less than her husband who is a fire dispatcher. Can my colleagues imagine what it is like to sit at 911? I can tell you one thing, Mr. Speaker, it is probably more hectic than it is to be a fire dispatcher, unless fires occur every moment. It is time we said to working women that they are on their own except when you encounter discrimination, and then the Congress of the United States is with them.

□ 2015

The Fair Pay Act, like the AEPA or the Equal Pay Act, the historic landmark statute that we passed in 1963, will root out the discrimination I am after without tampering with the market system. A woman may file a discrimination claim, but as in all discrimination cases, she must prove that the gap between herself and a male co-worker doing comparable work is discrimination and no other reason such as, first and foremost, legitimate market factors. Gender is not a legitimate market factor.

Mr. Speaker may I inquire how much time I have remaining?

THE SPEAKER pro tempore (Mr. BOB SCHAFER of Colorado). The gentleman from the District of Columbia (Ms. NORTON) has 3 minutes remaining.

Ms. NORTON. Mr. Speaker, I would like to use my remaining time to thank the gentleman from Kentucky (Mr. ROGERS) chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations. I appeared before him to seek an increase for the Equal Employment Opportunity Commission. I had twice sought such an increase, and have once gotten one on the floor with the gentleman from North Carolina (Mr. WATT) as the cosponsor. And, again, as chair of the Women's Caucus, when we sent a letter the chairman had been responsive to us.

This year I tried a different approach and said to Chairman Rogers that I sought support for the President's call for a \$37 million increase for the EEOC, which has a serious backlog and runs backlogs every year, but I sought it in a different way, in a way that would keep the EEOC from coming back for annual increases. I raise this now because the EEOC is vitally important to women. Pay equity, sexual discrimination, pregnancy discrimination, job discrimination comes through its doors and through its complaint process.

We had an extraordinary case, the Mitsubishi case here, involving virtually pornographic, outrageous actions by male co-workers, and the whole Women's Caucus got involved. Essentially what I said to the gentleman from Kentucky is that I would like to have the EEOC do something comparable to what I tried to leave in place when I was at the EEOC, which was a system of alternative dispute resolution, a way that processes cases rapidly, using settlement techniques, and a way that I found also increased the awards to women because after a woman has remained in the system for 2 years, she is likely to get no award at all because the evidence falls away. If she settles, she gets often some money, assuming the case is worthy.

Chairman Rogers was intrigued by the notion that EEOC might not come back every year if they got an increase this time, and put in place structural changes that would then last for some considerable number of years.

That is what happened when I was at EEOC. I said, forget this increase. You will not see me again.

I was at the EEOC for 4 years. I never came back on increase. I put in place something called rapid charge processing. We brought the average time of processing an individual charge from 2 years to 2½ months and raised the remedy rate from 14 percent to 43 percent using settlement techniques that are commonly used to resolve cases in the court system.

Chairman ROGERS said, show me a plan. And perhaps if we can tie the President's request for an increase to a plan, that would mean that the EEOC would have to show structural changes and not come back for annual increases. Perhaps he would look more closely at this substantial increase for the EEOC. I thank the chairman for looking closely at my proposal.

When I came to the EEOC, it was known primarily for a backlog of 125,000 cases. We got rid of most of that backlog before I left the agency in about 3 years' time.

I raise the case of EEOC not only because I am a former chair, but because I believe not only in quality, I believe in equity and efficiency. And I think those of us that are for equality had better stand for efficiency or we are not going to get equality. The best way to go about cases is to try and work them out. Then they deter employers and then there is a win-win for everyone.

Mr. Speaker, I remind this body that I have been speaking here this evening not for myself but for 50 women in this House, some of whom will embrace some of what I have to say, all of whom who stand for fairness and equality for women during Women's History Month.

#### FEDERAL BUDGET

THE SPEAKER pro tempore (Mr. LEWIS of Kentucky). Under the Speaker's announced policy of January 7, 1997, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, I have joining me tonight my distinguished colleague, the gentleman from the State of Arizona (Mr. HAYWORTH). We are going to talk for a good portion of our allotted time tonight about the Federal budget and principally about where we were just 3½ years ago, where we are today, and a little bit about where I think we should go.

First of all, if I could before I yield to my friend, I would like to talk a little bit about what was happening back not so many years ago. This is a chart that anybody, and any of the Members who watch us on C-SPAN from time to time, I am sure have seen. This is a chart that was put together by our colleague, the gentleman from Wisconsin (Mr. NEUMANN). What it shows is the

budget deficit. This actually is the debt. The accumulated debt was growing out of control.

In fact, there was a study by, I believe, the Congressional Budget Office, done just a few years ago, that said that if Congress did not get serious about this problem, by the time our children reached middle-age they could be paying a total tax rate of over 80 percent just to pay the interest on the national debt.

I tell the people back home and sometimes they have trouble believing this, which does not surprise me because I have difficulty believing this as well, that the debt has become so large. But right now the debt is \$5.5 trillion.

And one of our other colleagues has done some calculations to try and explain how much a trillion dollars is; and the way he describes it is this, and I believe his numbers are accurate, that if you spent a million dollars a day every single day, it would take you 2,700 years to spend a trillion dollars.

Previous Congresses have run up almost \$5.5 trillion worth of debt that our kids are going to be responsible for. And worse than that, we have to pay the interest on that; that is like an entitlement, and it becomes the second or third largest single entry in the Federal budget.

I tell people, as I say, back in my district that every single dollar of personal income taxes collected west of the Mississippi River now goes to pay the interest on the national debt. That is a very scary statistic. And I also remind people, and particularly where I come from back in Minnesota we still have an awful lot of farm families; in fact, many of the people who live in the cities like Rochester and Mankato and Winona and Austin and Albert Lea, they also understand that because many of them are no more than one generation removed from the farm.

But the American dream back in farm country is, very simply, to pay off the mortgage and leave the kids the farm. But, unfortunately, what has been happening over the last 30 years is that Congress has literally been selling the farm and leaving the kids the mortgage. I think we all know that there is something fundamentally improper about that.

Mr. Speaker, at this point, I would like to yield to my colleague, the gentleman from Arizona (Mr. HAYWORTH). It is nice to have him with me today.

Mr. HAYWORTH. I thank my colleague from Minnesota for yielding. Mr. Speaker, it is good to join him coast to coast and beyond through the facilities of C-SPAN.

There are many different ways to examine this debt. Mr. Speaker, lest there are those who join us who believe this is simply a statistical argument, I would urge them to think again. Because, as my colleague from Minnesota points out, this translates to a mortgage on the future of our children.

A lot of things have changed in the 3 years since a new common-sense, conservative Congress came to town. I can

remember the almost dark humor that was employed that surrounded an item that each of us receive here in the Congress of the United States. It is our voting card. And the joke, which really was not so funny, that went along with this voting card went as follows:

The people here in Washington, inside the Beltway, said, oh, well, you now have the world's most expensive charge card because when you received your copy as a Member of Congress, it came with a debt in excess of \$5 trillion.

My colleague from Minnesota broke it down for us, in fact, using figures that indeed came from the President's budgeteers, to his credit. He asked us to predict budgets into the future as this town was still held in the grip of a tax-and-spend philosophy; and it was the President's own budgeteers who told us if we did nothing but continue the cycle of debt and deficit and taxing and spending, then all our children could look forward to a future in which they would surrender in excess of 80 percent of their income to taxation.

So what we have to remember is that this debt does not deal with the whole batch of zeros attached to a large number; it is not something for the green eye shades or the new fancy calculators, but instead is something that families have to deal with.

What do I mean by that? My colleague from Minnesota, who has had a versatile time in the real world before coming to Congress, is a gentleman who worked as an auctioneer. He understands the challenge of family farmers and what goes on on the family farm in his district of Minnesota.

I represent a district in square mileage about the size of the Commonwealth of Pennsylvania, incredibly diverse from metropolitan Phoenix to suburban Scottsdale and Mesa, and then around rural areas from the small town of Franklin in southern Greenlee County, north to four corners of the Navajo Nation, west to Flagstaff and south again to Florence, there is incredible diversity. But all those diverse areas are held together by some basic economic truths, and those truths, among them centrally is this notion that as we move to reduce the deficit and, ergo, the national debt, as we move to fiscal sanity, we help families.

What do I mean? Well, my colleague from Minnesota is well aware of the appearance a couple years ago of Alan Greenspan, the chairman of the Federal Reserve, who projected what it meant to balance our Federal budget, as we now have done. He said that would mean a reduction basically of 2 full percentage points in interest rates.

Now stop and think, Mr. Speaker, and all my colleagues who deal with paying the family mortgage or paying off a loan on a family car or paying a student loan, think what a reduction in interest rates of 2 points means, especially on a 30-year mortgage. We are talking about thousands of dollars.

On a car loan over a span of 5 years, we are talking hundreds of dollars. And

that money makes a difference. Because, in essence, what we pay, if you will, as we continue to generate deficits and have that large national debt is in essence a debt tax.

But my colleague from Minnesota who joined me here in the well of the House, as a Member of the new common-sense, conservative Congress in January of 1995, is well aware of what has transpired and the progress we have made. When we took office on that day back in 1995, the budgeteers in this town were saying that the annual deficit in the year 2002 would be some \$320 billion. Today those self-same budgeteers say now, in the year 2002 there will be a surplus of at least, at least, \$32 billion. Imagine what that means to the American people.

Again, my good friend from Minnesota has the figures, but more than that, has the stories of the American people and the folks in his district who are coming to grips with this and, by extension, how Washington is coming to grips with this challenge.

Mr. GUTKNECHT. Mr. Speaker, reclaiming my time, I appreciate the point that my colleague has made, because I think sometimes when we talk about \$5.5 trillion and \$1.7 trillion and all of this interest and all of these numbers and all of these statistics, I think sometimes people do sort of tune out and they say, well, you know, that is green-eye-shade accounting stuff and it does not really matter in my life. But the point I make is that the debate about balancing the budget, the debate about ultimately paying off that national debt is really a debate about what kind of a future we are going to leave to our kids. I mean, is it going to be a future of hope, growth, and opportunity, or is it going to be a future of debt and dependency?

We have made some real progress. I want to talk a little more accounting talk about what this really means, because sometimes it is hard and you have to almost break this down.

What does \$5.5 trillion in debt mean? If you divide that up by the number of Americans, 270 million Americans in this country, it works out to over \$20,000 for every man, woman, and child.

My wife Mary and I have 3 children. If we multiply our family of 5, that means we have a debt hanging over our heads larger than the mortgage on our home. Now, we might say, well, but we do not have to pay that. Yes, we do. The interest has to be paid.

Last year we paid an average of about 7 percent interest on that national debt. Break that down and it works out to about \$7,000 per family in interest that has to be paid. And people say, well, I do not pay \$7,000 in Federal income tax. The average family may not pay that much. But one way or another, that has to be paid. And much of that is hidden in the price of the products that we pay.

For example, a grocer buys a loaf of bread; whatever he pays for the bread,

he has got some costs. He has got to pay salaries and he has got to pay overhead, but he also has to pay taxes. And hidden in the price of that loaf of bread when the consumer ultimately goes there and buys it for his family is the price of this interest bill that has to be paid. And that is distributed all through the economy because there is one debt that has to be paid. We have to finance that debt.

So what we are really talking about, for the average family, the interest on the national debt equals about the average family's house payment. And as the gentleman has indicated, if we began to use some fiscal restraint, if we began to do the things that I think the American people really want us to do, the good news is not only do you preserve a better future for our kids, but we are starting to see the benefits right now.

Real interest rates in the United States since we came to Congress have dropped by 25 percent. And we believe that they can drop more. Now that is perhaps the best tax cut we could ever give the American family because it affects their car payments, it affects their house payments, it affects how much that grocer has to pay, it affects everything.

So we came here and there was some serious problems. And I will never forget a farmer in my district, and I think sometimes farmers make wonderful philosophers, and we were talking about this debt and we were talking about taxation and the old suggestion or the old policy in terms of balancing the budget was, I know, we will just raise taxes. But if raising taxes had been the solution, we would have had a balanced budget long ago. My colleague is a little younger than I am, but when I was a kid growing up, my parents could raise 3 boys on 1 paycheck and part of the reason they could do that was because the average family in America sent about 4 percent of their gross income to the Federal Government. Today that number is almost 25 percent. And when we add total taxes, when we add State, Federal, and local taxes all together, the average family spends more for taxes than they do for food, clothing, and shelter combined.

There was a conversation going on here on the floor of the House earlier about why so many women have joined the work force. The truth of the matter is, a lot of moms have had to leave their families and go to work just to pay the taxes. And this old farmer in my district, and he said it so well, he said, "You know, Gil, you know the problem is not that we don't send enough money into Washington. The problem is that Washington spends it faster than we can send it in."

□ 2030

I thought, what a brilliant way to say it. The problem is that Washington continues, no matter how much money the American people were sending in to

Washington, they always spent more. I do have some numbers. I used to have a chart, I have a chart somewhere. It is on my web site so if people want to look it up. But this is a great statistic. In the 20 years previous to our coming here, Congress spent on average a \$1.21 for every dollar it took in. It really did not matter what the tax rates were. Taxes went up a little bit, then they went down a little during the Reagan revolution. But Congress tended to spend an average of \$1.21 for every dollar it took in. That is the bad news.

The good news is since we came to Congress, that number has dropped to \$1.01. This year we will actually for the first time, in fact the Congressional Budget Office tells us we will actually take in more than we spend for the first time since I was in high school. That was in 1969. We believe that if we continue that kind of fiscal discipline we will talk a little more about what that has meant and what we have done since we came here; frankly, what we got beat up for in the last election.

Do you remember the discussion? I am sure they ran many of the same ads against the gentleman from Arizona that they did against me, saying they were going to throw grandma out in the street, that the school lunch program would stop, that Medicare is going to be destroyed and all these things are just going to come to a screeching halt. And guess what? It was not true. We did make some serious changes, though. We did reform the welfare system. We need to talk a little bit about welfare too, I think, tonight, the good news about welfare reform, and of course it has saved money. It has saved a little money to the Federal Government, it has saved a lot of money for the States.

The reason is welfare rolls around the United States have dropped dramatically. That is partly because of our reform and it is partly because of a stronger economy, and frankly I think the two work hand in hand. But because of what we did, because of the welfare reform and because of that stronger economy, the really good news is this, not just that we are saving money but 2.2 million American families who were on the welfare rolls have now moved onto payrolls.

I want to share a story tonight if I could. I was at a school in my district, we were talking to some of the teachers. We talked about title 1, we talked about title 3, we talked about some of the other school problems. Finally, one of the teachers said, "Of all the things you guys have done, the single most important I think is this welfare reform." I said, "Really? Why do you say that?" She said, "Let me tell you a story about a little boy in my classroom." She said, "Let's call him Johnny." All of a sudden Johnny started to behave better. He had a better attitude. He was a better student. He was a better kid in every respect. Finally the teacher said, "Johnny, is there something different at your house?"

The little boy said, "Yeah, my dad got a job." It is easy for some of us who have had at least one job since we were 15, as a matter of fact during a lot of my lifetime I have had two jobs. It is easy for us to sometimes forget that a job is more than the way you earn your living. A job helps to define your very life.

We have given a certain number of American families just a little nudge and moved them off the welfare rolls and onto payrolls. As I told people, the real goal of welfare reform was not so much to save money but it was to save people. It was about saving families. It was about saving children from one more generation of dependency and despair. That is just one area we have reformed. We have reformed Medicare and other things.

I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank the gentleman from Minnesota. I do not believe too much can be said about what welfare reform means. I think part of it, the gentleman talked about some of the static, if you will, and the disagreement in terms of public policy and, to be diplomatic, the efforts by some within the liberal community to paint a false contrast of caring. But, Mr. Speaker, the true measure of compassion and caring is not the number of people added to the welfare rolls. Quite the contrary, it is the number of people who are able to leave to become gainfully employed, to take pride in themselves, pride in their endeavors and as my colleague from Minnesota points out, there is no greater social program than a job, a job where people can work to earn a decent wage, to have pride in themselves, to have a portion of the productivity and the fruits of their labor, and it does wonders. That is what is vitally important.

So your teacher in the district had it absolutely right. That is what I hear in many parts of the Sixth District, that work makes all the difference in the world. What we have seen is a change in attitude. We have changed the paradigm, in that buzzspeak of the late 1990s, to take a different outlook.

In my district, in the town of Holbrook, a lady named Pee Wee Maestas told the same story, how she privately would invite the young unwed mothers of her town to come to work at her small restaurant, to have a chance to work before there was this official welfare reform, and inevitably she told me nine times out of 10 the call would come from one of the young ladies about 3 weeks into her work program. The call would come, "Gee, Pee Wee, I really appreciate what you're doing for me, but, you see, the government pays me more to stay at home and do nothing than to come down and get a job."

What we have done is to change that thinking, turn that paradigm around, say there is value in work, there is pride in performance, and as we measure the true barometer of compassion, it is found in gainful employment,

where it was said by one of our dear friends from Texas in the other body, ensuring that yes, there is a safety net but that that safety net does not become a hammock.

Mr. GUTKNECHT. I think that is the wonderful thing. It is not just about welfare reform. It is also about Medicare reform. In fact, most Americans are not aware, again I am on the Committee on the Budget, the gentleman from Arizona is on the Committee on Ways and Means. Sometimes we risk sounding like accountants, but I think sometimes numbers do illustrate very powerful points. Something most Americans do not know and we need to remind them as often as we can, that 53 percent of the Federal budget is what we call entitlements; in other words, things that have to be paid, Medicare, Medicaid, Social Security, welfare. Those are the 4 largest entitlements, 53 percent. That had pretty much been put on autopilot. That happened in Congress back in about 1975.

The important thing this Congress did when we came here is we said, "We've got to get control of entitlements. Because if we don't control entitlements, they're going to eat us alive." Entitlements were growing at something like 10 percent per year at a time inflation was only going up 3 percent. This is where we had some very pivotal fights here on this floor and ultimately I think that were played out in many districts around the United States in the last congressional elections where there were ads run that said, you know, if so and so has their way, kids are not going to get school lunch and if so and so has their way kids are going to get thrown out in the streets and Medicare is going to, quote, wither on the vine, which was, I was going to say deceptive, but it was downright dishonest.

The truth of the matter is what we did is we slowed the rate of growth of those entitlements, we have dramatically slowed the rate of growth. We have encouraged work, we have encouraged personal responsibility. Even more important than that, we have encouraged families to stay together. The good news is it is working. It is working in part because of the kind of faith that Ronald Reagan had in the system and in the American people. He believed that if you give them just a modest amount of incentive to do the right things; in other words, lower the capital gains tax rates by 30 percent, which we did, you will encourage people to invest and save for their future. When they do that, it means there is more capital to expand businesses. It makes it more opportunity for all Americans. If you give people a little incentive to get out and work, people will work. People want to work. The real tragedy of American compassion was we had been so compassionate that we have destroyed people's initiative, their sense of personal responsibility, and their desire to build a better life on their own.

I want to come back to a couple of more charts and if we can, I want to talk a little bit about why the American people I think sometimes distrust what is happening here in Washington. Sometimes I say to myself, why should they not distrust it because there have been so many broken promises. Let us give one example.

Remember in 1987 we had the Gramm-Rudman bill. The Gramm-Rudman fix is this blue line right here. Basically they said we will use budget mechanisms to slow the rate of growth in Federal spending and by 1993 we will balance the budget. That is the blue line. Here is what really happened. The reason of course is Congress did not have the courage to face some of those interest groups, to slow the rate of growth of entitlement spending, to eliminate Federal programs as we have, and we will talk a little bit about that as well. And so as a result, we had the Gramm-Rudman fix but all we got was a broken promise.

But down here, what has really happened since 1994 we see, the elections of 1994. This is what our plan was, to balance the budget. It was not a perfectly straight line. We had a 7-year plan to balance the budget. Here is where we are. In fact, we have a balanced budget today.

How has that happened? A couple of things have happened. Most Americans know that at least on the revenue side because we have had a stronger economy, because interest rates have gone down, there is more consumer confidence, there is more confidence on Main Street, there is more confidence on Wall Street, the economy is stronger.

Everybody knows that we have taken in more revenue than we expected in our original 7-year balanced budget plan. What most Americans do not know is we have actually spent \$50 billion less than we said we were going to spend in the summer of 1995, when we passed that 7-year balanced budget plan. Frankly, I cannot blame the American people for not knowing that because the truth of the matter is most Members of Congress do not know that, that we have slowed the rate of growth that much in entitlements plus we have eliminated over 300 programs.

I tease people sometimes. I say, "How is your coffee today?" They say, "well, it tasted like it always does." I said, "Well, that's interesting. We eliminated the Coffee Tasters Commission." We eliminated a lot of commissions. We eliminated a lot of needless government. We have folded a number of programs together. There is so much more to be done. The truth of the matter is the more you get inside the budget, the more you realize there is still an enormous amount of duplication, of waste, of fat in this budget, but we have made enormous progress. We have dramatically slowed, in fact we have cut the rate of growth in spending almost in half. You combine that with a stronger economy and it is relatively easy to balance the budget.

Mr. HAYWORTH. I think what the gentleman says bears repetition, because there is a tendency in our fast food, perishable throwaway society to forget some events that make up if not current events, then rather recent history. While there were many—it was interesting, the paradox at work in 1996 in the 104th Congress. There were those who attempted to paint what ultimately turned out to be an inaccurate picture for political reasons. There were others who were champions of the conservative cause who said, "You haven't gone far enough, New Majority," and we understood and sympathized with that point of view. Yet even with the challenges confronted within our constitutional republic and our unique system of government, still what we were able to do was to reverse for the first time in the postwar era the notion of constant growth of government, not only the elimination of more than 300 wasteful and duplicative programs and boards of absurdity, if you will, such as the Coffee Tasters Commission, but also in the process holding on and refusing to spend some \$54 billion.

That is something that cannot be overemphasized, because what that signaled to Main Street, to Wall Street, to our friends internationally and most importantly to the American people, although sometimes it gets lost in the context, was a willingness to say that government has grown too large, it has continued to grow out of control, we are going to rein in the growth of spending for spending sake. We are going to have controlled growth in a variety of areas where growth is not a bad thing and we are going to cut it out in those areas where we can, to eliminate the waste and fraud that had been so much a part.

Please do not misunderstand me, Mr. Speaker. There is still a long way to go. But that pivotal step in the 104th Congress amidst all the wailing and gnashing of teeth, amidst the, shall we say, inaccurate political ads that littered the landscape, made a key difference. There is no escaping that fact. Indeed, as we look back to the changes that brought us to where we are today, I believe it can be argued that the strong hand of fiscal sanity from this, the legislative branch, helped the American worker succeed and helped show Main Street, Wall Street and everyone on every street the seriousness of our endeavor and that words were backed up with actions.

Mr. GUTKNECHT. I just want to remind my colleagues or people who are listening that the information we have has all been scored by the Congressional Budget Office and is available to them. We are happy to share it with any of our colleagues. I just want to come back to that very important number, that for the 20 years previous to our coming here to Washington, for every dollar that Washington took in, it spent an average of \$1.21. Now last year it was \$1.01. This year we will ac-

tually have for the first time a surplus. Frankly, I believe the surplus is going to be much larger than the Congressional Budget Office says it is.

□ 2045

And it has happened, hatched through a combination of efforts. It has happened because we have had the courage to eliminate programs, we have had the courage to fold programs together, we have had the courage to tackle those entitlements, to reform welfare, to reform Medicare, to reform Medicaid and begin to put back on a commonsense course what I think the American people have wanted the Congress to do for so many years.

In some respects it is, you know, those of us in Washington and those of us with election certificates sometimes want to take more credit than perhaps we really deserve. The credit really does go to the American people. They have been way out in front of the Congress for so many years. They understand.

You know the average family, this is another thing that I find when I talk to regular folks, how they balance their budgets. The average family, and you may know this, J.D., the average family in America today clips over a hundred million coupons from the Sunday newspaper. They sit around their coffee tables, their kitchen tables, and they clip over a hundred million coupons out of their Sunday papers, worth an average of 53 cents. They watch their pennies, and they make certain that they get good value for every dollar that they spend, and as a result that is how they balance their budgets every week, and frankly that is what they expect from us. They expect us to watch our pennies to make sure we balance the budget.

I want to show another chart here, and this just underscores what we have been talking about. This is sort of where we were, this is what we have done, and this is where we are going. And I think we need to spend a little bit of time tonight to talk about, you know, it is great that we finally turned the corner and we are moving towards what I think will be a future, assuming the American people do not decide to turn back and change course and go back to tax and spend and some of the failed policies of the past. Unless the voters decide to do that this November, I think there is a very good chance that we will see surpluses well into the future.

Now that is good news, but we have to think a little bit about what are we going to do with that. Are we going to start to pay down some of that debt? And I have become a supporter and an advocate of a plan—well, I will show another chart in a minute. Maybe we ought to talk about this chart because this is a scary chart, and this is what this demonstrates, what we agreed to with the White House; and I think you know this, Congressman HAYWORTH, that last year on August 5, the President and the Congress came to a very

historic agreement, and we put in place spending caps within what are called the discretionary accounts on how much we can spend in each of the next 5 years. And the blue line represents what those spending caps are. The red line, unfortunately, represents what the President has proposed in the budget that he submitted to Congress just about a month ago. And this is of great concern because over the next 5 years the President wants to spend about a hundred—almost \$150 billion more than we agreed to spend just last year.

Now worse than that he wants to raise taxes and fees by about \$130 billion, and that is where the battle is going to be fought over the next several months as we argue about the budget. Now if we have the courage to stick to our agreement, and in fact I have said that I think Congress ought to live up to its end of the bargain, even if the President does not want to, and we are going to have a fight here on the floor of the House very soon about a supplemental appropriation bill and whether or not that should be offset with spending cuts elsewhere in the budget. I happen to believe that it should. It is about keeping faith and it is not just about keeping faith here now with the agreement, it is about keeping faith with the American people and ultimately with interest rates and the money markets because they are watching, are we serious.

And I yield to my friend from Arizona.

Mr. HAYWORTH. I thank my colleague from Minnesota, and again I think he points out the key issue that confronts us, because there will always be those who find themselves susceptible to the roar of the grease paint, the smell of the crowd, and the adulation of those for whom they can try to find more spending or they can paint an incredibly rosy scenario but fail to offer the price tag along with it.

And indeed, Mr. Speaker, I would argue the reason there is such cynicism among citizens of this Nation and so much "We will believe it when we see it" is because of two factors: No. 1, in so many ways the repeated contradictions in policy pronouncements and other actions that emanate from the other end of Pennsylvania Avenue, policy with a wink, a nudge, a smile, and, sadly, policy that does not equate with agreements nor an acknowledgment of reality in very many cases. And so given that, coupled with the fact that previous Congresses, as my colleague from Minnesota points out, spend an average of \$1.21 for every dollar in taxation, that explosive combination has led to the cynicism there.

And again, right here on this chart my colleague shows us, again based on the numbers from this administration, that, sadly, they are willing in almost hauntingly familiar tones, in a very real policy sense, to break a commitment.

There are reasons why within our constitutional republic we have many

different tensions. We have the challenges of the executive branch and the legislative branch and the judicial branch of government, and we have different outlooks and philosophies. But when we put aside our differences and make a commitment, the American people deserve that the commitment be upheld, not swept away in roguish embellishment of oratory and a little something for everybody and pet projects based on emergency focus groups to focus attention into a type of Nirvana.

No. What this needs to be based on is the truth, and basic choices, and basic agreements and bedrock principles that this Nation should not spend more than it takes in, that we should all live within our means, that by holding down spending and reaching agreements we could allow the American people to hold onto more of their money and send less of it here to Washington because after all, Mr. Speaker, that is the central truth here. All the money we have talked about, all of the figures we have offered tonight, large, small, and in-between, one central fact is inescapable; the money does not belong to the government, it is not hoarded into the Treasury. The money belongs to the American people who voluntarily, although with some reluctance, confer it and offer it to the government in the form of taxation.

We ought to make sure that American families continue to hang onto more of their hard-earned money to save, spend, and invest as they see fit. Why should a family have to change its plans and priorities and make sacrifices so that Washington bureaucrats can make decisions? We believe the opposite should be true, that Washington ought to alter its behavior and make sacrifices so the American families can realize their own dreams and their potentials, and that is the importance of the agreement we reached, setting aside some partisan and philosophical differences, and that is the very real danger we confront at this juncture in our constitutional republic, eerily familiar in so many different areas, when some in this city and nationally want to abandon commitments they made.

Mr. GUTKNECHT. If the gentleman will yield back, and I think it is a telling point because particularly you get out on the farms where I come from and you go to an auction and literally 100,000 pieces of equipment are bought or sold, and sometimes all that is really exchanged on the day of the sale is a handshake; a handshake, and people out there believe that handshake means something. And frankly, out there, and without being overly disparaging of lawyers, they tend to resent that, the whole notion that something has to be written down on paper and that you need a contract, although we have contracts and we have attorneys and I do not want to sound—but there is still an awful lot of old farmers who believe that a man's word is his bond and that when you make an agreement,

and I want to remind my colleagues, you know, we did not make this chart up. I mean, this is according to the Congressional Budget Office. They are nonpartisan, this is not a Republican chart. This just shows what they believe we agreed to last year on August 5, and then they have overlaid what the President is requesting in his budget, and the two numbers are quite divergent. And this is really about trust, and it is about faith and it is about breaking faith with an agreement that we had.

The problem, of course, is a lot of people around this town are saying well, yeah, but that was then this is now, and the economy is booming and unemployment is down and more revenues coming into the Federal Government, and we have got to spend more money on all these programs.

But is that not what got us into the mess in the first place? I mean, is that not really—the heart of the problem is it is so easy to spend other people's money, and it is even easier to spend people's money who have not even been born yet. And that is where we got into the problem in borrowing against future generations of Americans without their consent. And that is why Jefferson warned over 200 years ago that public debt was one of the greatest evils to be feared, and this represents turning away from the direction that we have been on for the last 3 years and saying well, yeah, now things are good, let us go back and begin to resume spending normally.

And we are going to have some really heated debates and fights here on the floor of the House and in the Committee on the Budget and the Committee on Ways and Means, but I think it is so critical that we keep that faith, that we say not only to Americans living today but generations of Americans yet unborn that we were serious, we meant what we said, we said what we meant; our agreement was we would limit and cap spending, and we are going to do the best to keep that cap.

Mr. HAYWORTH. And it sets up another challenge because as we transition from the policies and the politics of debt, if you will, to the policies and politics of surplus, that can be fraught with challenges as well. We have seen one of the temptations here to say, well, there is a surplus so let the good times roll, let us spend as if there is a never-ending spending spree.

And it reminds me, if I can personalize this to a certain degree at my own expense and self-deprecation, Mr. Speaker, and viewers from coast to coast will note that some would say I have somewhat of a robust physique. One of the challenges I face is when I go on a diet and I lose 5 to 10 pounds, I celebrate by cracking open a pack of cream puffs. That kind of defeats the purpose. And I do not mean to trivialize this debate but try to bring it home because it is so easy to rush back into old familiar habits that may not be good for us and in the process negate the very real progress that has

been made, and, doubly defeating, rush right back into the failed policies of taxing and spending and debt and deficit and create conditions that, far from a continued and sustained growth pattern economically, lead us back into cycles of boom and bust.

Indeed, much talk has been proffered around this city of dangerous schemes. I can think of no more dangerous scheme than to rush headlong back into the failed policies of the past, try to claim everything for everybody and promise everything except stronger shoelaces through increased Federal spending, and then continue to ask for more and more and more of the American people's hard-earned paycheck.

My colleague from Minnesota, and indeed the delegate from the District of Columbia, in the preceding hour, I believe, offer a compelling case. The gentlelady from the District was talking about the choices of women in the workplace and the challenges of economic equality, and certainly I agree with a portion of what she had to say. But as my colleague from Minnesota pointed out earlier, one of the problems we face today in two-parent households is the fact that both spouses oftentimes have to work, not by choice but by necessity, one spouse working to essentially pay the tax bills of the family so that the other spouse can bring home the paycheck.

And while we have those conditions right now, we need to look at a way again to move forward to cut taxes further. We made a modest start last year. I think we will take another step this year, but, again, to continue to allow families to hold onto more of their money so they can save spend and invest it.

Mr. GUTKNECHT. Mr. Speaker, I think we need to remind people what some of the cynics said. We originally came to Washington and said, you know, we are going to limit the growth of entitlements, we are going to cut domestic discretionary spending, we are going to put a flexible freeze on defense spending, and we are going to cut taxes, and we are going to balance the budget.

□ 2100

The cynics said you cannot do that; I mean, you cannot balance the budget. In fact, you used the term earlier, you blow a hole in the budget. That is a reckless scheme to want to balance the budget while you are kiting taxes, because some of our liberal friends believe that it is their money and that Washington can spend it best; the last thing we should ever do here in this city is cut taxes on American families.

But thanks to the leadership of the chairman of the Committee on Ways and Means and the leadership here in the House as well as the Senate, they said no, no, we are going to balance the budget and we are going to cut tax.

We even had some of our Republican friends who have criticized us because the tax cut was not large enough, but I

would tell you this, for a lot of families in my district have figured out it is \$400-per-child tax credit this year and \$500 next year.

I was in a radio station, and one of the people who worked there, I was trying to explain this to. We had a radio town hall meeting. He said, wait a second. Let me see if I understand this. I have got three kids, and they are all under 17, so you mean I get to keep an extra \$1,200? I said yes.

I know to some of our friends \$1,200 is not a whole lot of money. But to a lot of typical families out there, \$1,200 is a lot of money. That will help pay for a vacation. That will help pay for an addition onto the home. That will help pay for a newer car. It will do a lot of things for that family.

Our friend from Texas, Senator PHIL GRAMM, one day he really said it so well. One of his colleagues said this is about how much we are going to spend on children and their education and their health care. He said no, no. This is not a debate about how much we are going to spend on children or their education or their health care. He said, this is a debate about who gets to do the spending.

He said, I know the family, and I know the Federal government, and I know the difference. We all know who can spend that \$1,200 smarter. We know that that family can.

It was not just the per-child tax credit. I want to give a lot of credit to Senator ROD GRAMS from my home State of Minnesota, because when he first came here as a freshman Member of this House, he made the per-child tax credit one of his top priorities. He doggedly has pursued that, and ultimately it has become reality. He deserves a lot of credit. So I want to at least acknowledge my colleague from the other body from my State.

The other thing we did is we said, you know, for the typical family, one of the worst fears that most American families have is when their oldest child begins to look at college catalogs. They begin to say, wow, I had no idea it was going to cost this much.

When you are paying 38 percent of your gross income in taxes and you have got a mortgage over your head and you have got to pay for all these sneakers and everything else it costs to raise kids nowadays, most families are not able to save enough money to send their kids off to college or technical schools.

We said there is a real problem there, and that is one area we ought to give families another little boost. So we provided the \$1,500-per-child HOPE scholarship. It is going to make it a lot easier for a lot of families to send their kids to school and get the education they are going to need in an increasingly competitive marketplace.

So that was not the end of it either. We said we ought to encourage families to invest and save for their future. So we gave them almost a 30 percent cut in capital gains taxes. Guess what?

Revenues have gone up geometrically because people are investing, people are saving, people are selling assets, people are trading, businesses are being bought and sold, assets are being bought and sold, farms are being bought and sold.

I will tell you a story of a farmer in my district who lives near Faribault, Minnesota. He would call me about every month, and he would say, Mr. GUTKNECHT, when are you guys to cut this capital gains tax because, you know, I want to sell my farm, and I have got some people who want to buy it, but I do not want to pay all that money in capital gains taxes. He said, I believe you are going to cut that capital gains tax, and I am not going to sell my farm until you do.

I think he represented literally millions of Americans who are sitting on assets that actually would have been better in the hands of someone else, but they did not want to pay that high capital gains tax. We lowered the rate, and guess what? Total receipts have gone up geometrically.

Mr. HAYWORTH. Mr. Speaker, as the gentleman from Minnesota tells us the story of real people in his district, I could not help but reflect, listening to the opportunities for tax relief offered last spring by this 105th Congress, taking a look at the opportunities that exist.

I look at the tremendous number of housing starts, and I look at the homes now throughout north Scottsdale, and the East Valley around Mesa in the Sixth Congressional District of Arizona.

I take a look at what has transpired because of capital gains tax relief for the average family selling their principal residence and moving into another house. A married couple able to have and reinvest profits in the sale of a primary residence up to half a million dollars, or a single person hanging on and having tax-free profits up to one-quarter of a million dollars. Again, for a lot of people, the figures are not that high, but they are just as dramatic an opportunity.

And other opportunities that we have opened up in terms of home buying. I take a look at the new Roth Individual Retirement Accounts. I think about and I reflect back on our early days of marriage when Mary and I were trying to buy a home. Yes, I had a conventional IRA or what the tax law provided at that time, and I was a private citizen. How I wish I had had an opportunity with a Roth IRA to have money invested for 5 years in that type of forced savings program that could be taken out, penalty free, at the end of 5 years as a down payment on a first purchase of a home, what is so vitally important.

I think about young Americans 5 years hence as we continue to sustain this economic growth in part on some very simple commonsensical philosophies of tax relief, allowing Americans to save, spend, and invest their own



money, because there is no greater myth ever articulated in this Chamber than those who would try to drive the wedge between economic stations in life, to claim that tax relief helps only the wealthy.

Because even as the gentleman from Minnesota told about one of my former colleagues in broadcasting, I thought about the young man in Payson, Arizona who owns a print shop, who I saw the other week at a luncheon, who has four children, who the per-child tax credit will help immensely with \$1,600 staying in that family budget, and then elevating that to some \$2,000 on next year's tax return with the \$500-per-child tax credit.

Yet, our challenge, Mr. Speaker, is how do we expand this, because I will go in other town halls in communities like Maricopa, just south of Phoenix in the metropolitan area, and have people come to me and say, look, I am not married, I do not have a child, I do not have any of those targeted areas that are covered with tax relief right now. What about my circumstance?

And so one of the things we are examining is how to broaden that base and how to offer simple, sane, reasonable tax relief to even more Americans. And that is one of the challenges we confront.

But it is vital to remember that these are not the stories of micro or macroeconomic incidents in a textbook or even despite the graphic nature of these charts that have been presented tonight, Mr. Speaker. No, these are the stories of flesh-and-blood families in the American heartland who may have studied economics but who know the reality of their economic situation, who sit around the kitchen table on a weekly basis making those tough decisions that have the most impact on their futures, decisions about education for their children, decisions about how much to put away, to save, spend, and invest if that is possible, decisions about mom joining the work force, oftentimes out of necessity rather than choice.

In this land of the free, we must work to ensure economic freedom and prosperity by allowing people that freedom to make decisions based on what they feel is best for their family, not on what some Washington person feels is best for some Washington program.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman would yield, I just want to go over just a few of the facts. And one of my favorite quotes is from John Adams. And he said that facts are stubborn things. And you know Winston Churchill said it slightly different. He said, you can ignore the facts, you can deny the facts, but in the end there they are.

The facts are these: Since we came here, the deficit has been slashed. And for the first time since 1969, we have a balanced budget. That, in part, has driven interest rates down by 25 percent. The stock market has more than doubled. Eight million new jobs have

been created. Unemployment is lower than it has been in 27 years. Violent crime is actually down to its lowest point in 24 years. We cut taxes for the first time since Tiger Woods was 5 years old. That is an amazing thing when you think about that.

We have allowed families to keep and invest more of their money. We have made it easier for them to send their kids on to higher education. Over 2 million families have gone off the welfare rolls and onto payrolls. We have eliminated over 300 government programs.

Well, the American people expect results. We are a results society. We have produced some results. But there is so much more to be done. I think we do need to spend a few minutes talking about will we return to the old policies of tax and spend, or will we start to take some of those surplus dollars that we believe are going to be created in the next several years, and are we going to start to pay down some of that debt.

There was an architect from Chicago, and he said something very simply but very powerfully. He said, make no small plans. If you think about that, the American people have always been big dreamers and big thinkers.

The people who came here, our ancestors, as Winston Churchill said, you did not cross the oceans, ford the streams, traverse the mountains, and deal with the droughts and pestilence because you were made of sugar candy.

I think the American people have always wanted big dreams and big goals. I think we ought to set this goal and this marker out before the American people. I think we ought to pay off that \$5.5 trillion worth of debt in this generation.

The fact of the matter is, if we will exercise the same kind of fiscal discipline that we have exercised for the last 3 years, if we will limit the growth in Federal spending to about 1 percent greater than the inflation rate, the good news is pay off the debt in 22 years.

I cannot think of a better thing to leave our kids than a debt-free future. It is within our grasp; that can be done. What is the great news about that? It means they do not have to pay that \$7,000 per family in interest that ultimately gets paid today. It means we leave our kids a brighter future, and we do what those farmers talked about, as I mentioned earlier. You pay off the mortgage and you leave your kids the farm. In some respects, that is generational fairness. That is generational equity.

As you pay down that debt, the good news is 40 percent of the debt is owed to the Social Security trust fund. So you make Social Security solvent again. Congress has been borrowing from Social Security since 1964. I think, again, we all know that is wrong. We have been borrowing from our kids, and we have also been borrowing from our parents. I think it has

been left to our generation to make things right. So we are headed in the right direction.

I am delighted that you joined me tonight. If you have got any closing remarks, we certainly would like to hear them, and we will yield to the next speaker.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Minnesota very much. I would simply remind all of us assembled of the observations of Abraham Lincoln, who reminded us that you do not strengthen the weak by weakening the strong; that you do not enrich the poor by sending impoverishment upon the well-to-do; that, indeed, our strength is not from finding divisions among us bred from envy; but, in fact, the American dream is best summed up by allowing all families the freedom to pursue faith as they see fit, to reinvest faith in this remarkable grand experiment called the United States, by letting them choose their destinies with their economic resources for their futures and the future of their children.

Let us all pledge to do that, no matter our partisan stripe or political label. Even though we champion disagreements within this Chamber, we will be better off. The American Nation will be better off because we recognized these basic truths. Again, I thank the gentleman from Minnesota and the American people, Mr. Speaker, for this time in this Chamber to discuss these topics.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Arizona for joining me tonight, and I just want to say that sometimes, as I said earlier, we talk about these issues, and we sound as if we are accountants, and we talk about numbers and statistics, but in the end, this is really about what kind of a country we are going to leave to our kids.

□ 2115

And it is about what kind of a country we are going to have for ourselves. Is it going to be a future of debt and dependency, or will it be a future of hope, growth and opportunity?

The good news is we have made so much progress, but we still have those challenges. There are people who want to turn back to the old policies of tax and spend, but as long as we are here, we are going to fight the good fight. We have been making a difference, we are going to continue to make a difference, not just for this generation of Americans, but for generations of Americans to come.

#### SCHOOL CONSTRUCTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from California (Ms. SANCHEZ) is recognized for 60 minutes.

Ms. SANCHEZ. Mr. Speaker, I am here today with my friend and colleague, the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN) to

host this special order on one of the most important needs of children today, and that is the need that I call "the fourth R," the need for room.

There has been much talk about school construction needs. That is because schools across America have reached their breaking point. I know this is true because I have visited over 70 schools this past year alone in my district, and I have witnessed firsthand how schools are trying to house double the numbers of students they were originally meant to accommodate. I have seen auditoriums and closets converted into classrooms; and I have seen more than enough portables take over the school grounds.

To highlight the need for legislation addressing school overcrowding, I invited Vice President AL GORE to my district last week for a town hall meeting on education, and during this town hall meeting the Vice President spoke with students and parents and administrators about the daily challenges they face due to crowded schools and classrooms. The stories we heard were heartbreaking.

Elementary and junior high school students talked about no longer having playgrounds because 19 portables took up the blacktop at their junior high school. Parents discussed the difficulties over constant scheduling changes due to double sessions and year-round schooling.

It is disappointing to see the public school that I went to as a child in such bad condition. Remember, I represent my own hometown. But I know that the Federal Government can assist our schools with the infrastructure needs. The Federal Government can help local schools without threatening local control. We can help schools save money in interest costs and give local investors a Federal tax break.

My colleagues might ask, how can we do this? Through the legislation offered by myself and the President that will create new bond programs designed to give our schools the helping hand they need. It is a partnership between national government and local school districts and, really, the business community.

These bond programs would offer interest-free bonds to schools seeking to finance new school construction or renovate aging schools. The Federal Government would provide a tax credit to investors in the amount of the interest that would otherwise be paid by the school.

One of my local school districts, for example, Anaheim City school district, with elementary schools has a bond initiative on April 14. It is going to be on the ballot, and it is to pass to raise monies for a new elementary school. If local voters approve this bond initiative, it would raise almost \$48 million to rehabilitate schools and to build new classrooms for children.

My bill, the Expand and Rebuild America's Schools Act, could save Orange County taxpayers millions of dol-

lars in interest costs and keep more taxpayer dollars at home at the local level.

Let us give our schools a fair shake. Let us give them a chance to help themselves. This Federal tax break will lighten the load on local taxpayers. As an investment banker, I know this program can work. It will provide stimulus for local schools to pass bond initiatives and encourage private investment at the same time.

Congress must pass meaningful legislation this year for school construction. We can help our schools through tax incentives and through Federal bond programs. I am looking forward to hearing from my colleagues about their efforts to address school construction needs and how their schools can benefit from Federal legislation.

I would like to thank all of my colleagues for joining me this evening. At this time I yield to my colleague, the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Ms. CHRISTIAN-GREEN. Mr. Speaker, I am pleased to join the gentlewoman in this special order this evening and I am pleased to join my other colleagues as we discuss school construction in our districts. We repeatedly say that our children are our future; we talk a lot about preparing that bridge to the 21st century. Well, Mr. Speaker and colleagues, the investment in our children and their education is the strongest bridge that we can build.

I have listened time after time to the ongoing debate about private versus public education. That discussion is not productive, because today our schools are far from being on a level playing field. The fact is that our public schools have not been provided with the tools they need to prepare our children, to educate them, and to help them develop into the productive citizens that they can be and whom we need to enable this country to compete globally.

Primary among the deficiencies which impede the proper education of our children is the fact that in all of our districts, States and territories alike, there are too many schools which are dilapidated, unsafe, or do not have the necessary infrastructure to accommodate the technology that is needed to educate our children for this century, not to mention the next one.

My district, the Virgin Islands, is currently plagued with schools that are structurally inadequate, mostly due to damage from several powerful hurricanes over recent years; but insufficient funds to properly maintain the facilities have also taken its toll. Last year, the Virgin Islands Department of Education reported that there were air-conditioning deficiencies, inadequate infrastructure, shortages of classroom space even at the kindergarten level, dysfunctional locker rooms and bathrooms, lack of water fountains, substandard cafeteria facilities, potentially dangerous electrical hookups,

and more. In fact, the St. Thomas-St. John district proposed repairs of new construction totaling over \$40 million. At least the same amount will be needed to bring St. Croix's long-neglected schools up to standard as well.

So, Mr. Speaker, if we indeed believe that the children are our future and that the work of our village is to be the raising of our children, we are not doing the very best job. In fact, the majority of America's children who happen to be in the public school system are being neglected.

I feel that just as it is a criminal offense for families to neglect children, it is also a criminal offense that it happens within America's family, and it is to our shame. The children of this country spend most of their waking hours in schools. Looking at the schools we give them, we are saying to them day after day that we do not care about their well-being or their education.

And Mr. Speaker, they are getting the message. They are letting us know in clear messages of their own just how they feel about it.

So we cannot speak about improving education or opportunity in this country if we do not begin by putting the facilities in which our children spend most of their time, our schools, in order.

That is why I support the President's initiative which provides over \$22 billion for school construction bonds, as well as the legislation of the gentleman from New York (Mr. RANGEL), the Public School Modernization Act of 1998, which provides for an education zone program, as well as a school construction bond program; and I also fully support H.R. 2695, the bill sponsored by the gentlewoman from California, the Expand and Rebuild America's Schools Act which would set up a pilot bond program to assist local education agencies and provide additional classrooms necessary to meet the ballooning needs of those communities.

These are initiatives that put our money where our children are.

Mr. Speaker, I want to take this time to commend my colleagues who have provided leadership on this issue, such as the gentlewoman from California (Ms. SANCHEZ) as well as the gentleman from New York (Mr. RANGEL), the gentlewoman from New York (Mrs. LOWEY), the gentleman from New York (Mr. OWENS), and others who have labored long in this very same vineyard. I am pleased to join them in supporting the bill of the gentlewoman from California (Ms. SANCHEZ) and the American public schools and supporting our children. I will continue to do so as long and until all of the needs of our children are met.

Mr. Speaker, before I close and turn this over to my colleague who will be speaking, I want to take the opportunity to welcome the gentlewoman from California (Mrs. CAPPS). I was not able to be here when the gentlewoman was sworn in last week, and we welcome her in many respects, but we

know that she has been committed for a long time to our children and that she will join us as we work to provide better schools for all of America's children.

Ms. SANCHEZ. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank my good friend, the gentlewoman from California (Ms. SANCHEZ) for organizing this special order this evening and for giving us an opportunity to focus attention on the urgent needs that our States and our communities have as we work to provide schools, quality schools and quality facilities for our children so that they can meet the challenges of the 21st century.

Mr. Speaker, I could not help but think as the previous speakers were talking and both of the gentlewomen were talking about school construction, what a different world it would be if children could vote. We would not be arguing about school facilities this evening; we would have them. We would not be talking about the need for infrastructure and having the kinds of technology that our schools need, and we would not be talking about all of these things that children need to be prepared for the 21st century. We would have it.

Mr. Speaker, prior to my service in this body, I served for 8 years as the elected superintendent of schools in the State of North Carolina. I have probably spent more time in school classrooms than any other member of this Congress.

In fact, just this morning, I taught all the 6th graders; well, I am not sure I taught, I spoke with the 6th graders at Terrell Lane Middle School in Louisville, North Carolina, and we talked about the government and how they respond to government. We had a delightful time. But I can tell my colleagues from my experience that there are some wonderful things going on in the public schools in my State of North Carolina and in the schools across the country.

I can also tell my colleagues that we need to invest to upgrade our infrastructure, to relieve the overcrowding, to reduce class sizes, and to restore a sense of order and discipline for a solid learning environment in the schools of this country. Every day in America countless elementary and secondary school students are forced to attend classes in trailers, closets, portable classrooms, and substandard facilities.

In Wake County, which happens to be the county of our capital city, that county has 13,000 children who go to school every day in a trailer. In fact, in communities throughout the United States, we have an urgent need to build new schools, reduce overcrowding and class sizes, and improve good discipline and provide for quality instruction.

The General Accounting Office has officially estimated that nationwide, there exist in America some \$112 bil-

lion in unmet needs for modern school facilities. That does not even address the need for technology. In North Carolina alone, the School Capital Construction Study Commission reports that the most comprehensive study that has ever been done in our State identified school construction needs of more than \$6.2 billion worth of needs.

As a former school superintendent of schools, I know that we cannot expect our children to learn in substandard physical facilities. We cannot ask our teachers to maintain the kind of order in an environment that is conducive to learning if we relegate them to second-class infrastructure. We cannot adequately prepare the next generation to tackle the challenges of the 21st century if we fail to meet the needs of modern school facilities.

We would not dare, at a Chamber of Commerce meeting, to invite a new business to town and put them in the kind of buildings we put some of our children in to learn.

□ 2130

The problem is bad, and it is getting worse. Growing communities suffer under tremendous strain of overcrowded schools. Just last week the number crunchers at the Census Bureau confirmed what many of us have known for a long time: that our communities are cracking at the seams.

Since 1990 in my home State of North Carolina, my home county has grown by 18.9 percent. Johnston County, an adjoining county, has grown by 25.3 percent. Our capital county of Wake has grown by a whopping 29.4 percent. State legislatures from California to Virginia are struggling to provide the funds to build the schools that we need. I believe it is now time for Congress to do their part.

The administration has requested that Congress approve in next year's balanced budget a plan to provide \$19.4 billion in assistance to States for construction, rehabilitation, or repair of public school buildings. Under the administration's plan, our State, my own State, would receive roughly \$300 million for school construction.

I support the administration's plan, but I am also working on my own initiative to target additional school construction resources to those fast-growing States like North Carolina. We happen to be the second fastest growing State in the United States. North Carolina happens to be second only to California in growth.

The Secretary of Education has projected that over the next 10 years our State will experience the second largest growth rate in the country in the number of students enrolled in high school. This phenomenon is known as the Baby Boom Echo. It will present some immense challenges all across the country for school systems that are already under the stress of rapid growth.

I am drafting legislation to provide \$7.2 billion in school construction

bonds over the next 10 years specifically to those growing States that we know will need the resources, and many cannot meet those needs. My bill will be fully paid for by closing an obscure tax loophole that some seek to use to finance a risky voucher scheme.

The Etheridge bill is a commonsense approach to a very real and urgent problem. Members can be sure that I plan to work to the end of this 105th Congress, and I challenge my colleagues to join me. And once again, I thank my colleagues who are here this evening for organizing the special order to call attention to the tremendous need in school facilities all across the country. The children of America deserve quality facilities if we want quality education.

I say to the members, our teachers are doing an outstanding job in conditions that no business would put many of their employees in.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank the gentleman from North Carolina. If we here in Congress worked in some of those facilities in the same type of disrepair that our teachers have to work in and our children go to school in, we would probably not be doing a very good job, either.

Mr. Speaker, I yield to the gentlewoman from the 22nd District of California (Mrs. LOIS CAPPS).

Mrs. CAPPS. Mr. Speaker, my thanks to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Mr. Speaker, schools are so essential in our future. I firmly believe that it is our responsibility as a society to ensure that our schools are not failing our children. Rather, the role of schools is to assist families by providing a safe, even uplifting educational setting so that each child's full potential can be realized.

As a school nurse in the Santa Barbara school system for over 20 years, I have seen firsthand the damage that deteriorating schools can do. Students cannot thrive academically if they are learning in overcrowded and crumbling buildings.

As the gentlewoman just mentioned, imagine how hard it would be for all of us in Congress to work if we had to dodge falling plaster or work in our hallways or contend with leaky roofs. It would surely interfere with our concentration, and this is exactly what is happening to children all over the country at the most critical time in their lives for learning.

According to the General Accounting Office, one out of every three schools in America needs extensive repair or replacement. Surely we can do better than that for our children. Education is, first, a local and a State issue, but I believe that we have a responsibility to get involved at the Federal level as well. There is a role for us here.

This is a local problem which deserves a national response. When local school bond measures fail, local communities, with school boards, parents,

and teachers, need to find other resources to turn to. The proposed legislation will assist local districts in providing that option for educational settings that are quality for all of our students.

Today I have cosponsored two bills which address this problem. The first is introduced by my colleague, the gentlewoman from New York (Mrs. LOWEY), which will provide \$5 billion in Federal funding for school construction across the Nation. Half of these funds would be distributed to the States and the remaining half would target 100 school districts with the largest number of students living in poverty. For the first time, the Federal Government will enter into a partnership with our local communities to rejuvenate our ailing schools.

Another innovative approach introduced by my colleague, the gentlewoman from California (Mrs. TAUSCHER), incorporates the use of State infrastructure banks which will be created with Federal seed money, and then offer a flexible menu of loan and credit enhancement assistance to local school districts.

I am also interested in proposals raised by Vice President GORE, where State governments could help schools issue bonds to modernize school facilities. Schools would owe only the principal to investors, who would receive interest in the form of Federal tax credit. This is a great idea. California has made real progress in school construction, and yet in my own district I have seen classrooms, being held in hallways, teachers lounges, utility rooms, and auditoriums.

On the other hand, when it goes well, we have so much to be proud of. Just three weeks ago I had the pleasure of touring the Sinsheimer School in St. San Luis Obispo. I was amazed with the advanced state of their school technology program which allows children easy access to modern computer labs.

The same is true at the Joe Nightingale School in Santa Maria, which was chosen as a blue ribbon school by the Department of Education because of its superior test scores and community-wide commitment to technology.

I have also had the pleasure of visiting recently Goleta's Kellogg School, another fine example of educational technology at work. If only all of our children could have such state of the art classrooms and programs to return to each morning.

Really, this is what it is all about, ensuring that all children, no matter what their economic status or the economic status of their community, that all children have safe, clean, adequate schools to attend each day. We must set our standards high, challenging our teachers and students to be the best they could be and providing them with the tools to do so.

Today we are preparing students for jobs in the new economy, where technological skills are of the highest importance. To do this, students must be

learning in school facilities which are well-equipped and up to date, including modern science labs and adequate wiring for access to computers and to the Internet.

We are not keeping up with these demands, and we simply cannot afford to look the other way another minute. America is only as good as its schools. We know that. We cannot prepare our children for the 21st century in outdated schools. Let us make this a priority for our children and for ourselves.

Ms. SANCHEZ. Mr. Speaker, I would just like to thank our new colleague, and also say, considering that she is from California, that these initiatives are so important for our State in particular.

For example, the proposal that the President and Vice President GORE have with respect to interest credits is so important, when we take a look at the fact that when we pass a local bond issue to build new schools, in California we need two-thirds of the vote affirmative in order to pass that.

By saying that the Federal Government will give tax credits to pay the interest cost, what we are actually doing is giving an incentive to those on a local basis to take the responsibility on of building schools in their communities, and saying, we are going to help you hand-in-hand to ensure that the students of the gentlewoman's area, who are the students of America, are going to succeed in the future.

Mrs. CAPPS. If I could respond to the gentlewoman, that is exactly why, even though this is my second week on this job, during my campaign countless parents told me how critical this is to them in the State of California, where local bond issues do fail, and where we can, as the Congress, offer not a heavy hand but just a helping hand, a loan or seed money for an interest on a bank loan. That is what we are talking about.

Ms. SANCHEZ. I thank the gentlewoman. Now I yield to our good colleague, the gentleman from Maine (Mr. TOM ALLEN), from the other coast of the United States.

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman from California (Ms. SANCHEZ) and the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN) for organizing this event tonight, and to say to our newest Representative in Congress, it is great to have her here. She is going to be a wonderful Representative for her district, I say to the gentlewoman from California (Mrs. CAPPS), and I am very glad to see the gentlewoman here.

Mr. Speaker, it is springtime in Maine. When I say springtime in Maine, I do not mean the snow is gone, because it is still on the ground. When I say springtime in Maine, that it is springtime in Maine, I am just saying it is after March 21. What that means to most municipalities in Maine and most school administrative districts is that budget time is coming.

For 6 years I was a member of the Portland City Council. I read six Port-

land school committee budgets. I went to all of our schools in the city, and I worked with members of the school committee trying to put together budgets that work for our community.

Since I have been a Member of Congress, I have talked in schools all around the District. I have talked to superintendents, school committee members, parents, teachers, principals, all trying to get a grip on the problems we have with our schools, and what we need to do in order to make sure that our children get the best possible education that will prepare them for the 21st century.

We have a late spring in Maine. We have, frankly, not much of a spring. We are not even in mud season yet. But I know that the debate is already beginning, because the way we fund our schools in Maine is primarily, almost entirely, with State money and with local money; now more local money than State money. That is raised on the basis of property taxes.

So every year in certain communities around the State of Maine we have a huge debate among those who are trying to hold down property taxes and those who are trying to make sure that the kids in that particular community have a fair chance to get a good education and move ahead. That debate is repeated all across the country. This is a national problem.

If we expect our children to grow, to prosper, to learn, we have to take account of the environments in which we are asking them to do that. With the current condition of our Nation's public schools, the question we have to ask is, what message are we sending to our children? One out of every three schools in this country needs extensive repair or replacement.

Nearly 60 percent of schools in this country have at least one major building feature in disrepair: maybe a leaking roof, maybe a wall that is not quite what it should be, maybe stairs that are deteriorating, but major problems. Nearly one out of every three schools in this country was built before World War II.

There is a recent report by the American Society of Civil Engineers which found that the only infrastructure category in the United States to receive a failing grade is our schools, the only infrastructure category in the country. It will cost \$112 billion to repair, renovate, and modernize our existing schools, and another \$60 billion over the next decade will be needed for new school construction.

Back in Maine we have some very good schools. We have some schools that are relatively new, but we also have some schools that are run down, that are not being renovated, that are not being replaced when they should be. It always comes back to that debate in the spring when some communities, some school administrative districts, realize they simply cannot afford to bring their schools up to the level of quality that they think they need.

Just in terms of numbers, in Maine there is about \$60 million in urgent health, safety, and legal compliance needs in the public schools. The total repair and renovation needs may be as high as \$637 million. More than one-half of the schools in Maine have unsatisfactory environmental conditions. Air quality conditions are aggravating asthma problems. That is a leading cause for absenteeism.

□ 2145

And some schools are really being forced to close unsafe schools.

Now, as I said before, the question always comes up: How do we pay for these schools? We have had referenda in some communities where the school budget has been voted down not once but two or three or four times before we get a school budget through, and that is often just for the operating expenses. And when communities have that kind of struggle over the operating expenses, they cannot get there in terms of funding the schools.

The people are saying we need new schools, but we cannot figure out how to pay for them. The Federal Government pays only 7 percent of education costs around the country and we could do a little bit more to help our local property taxpayers, to help our local communities and school administrative districts do some school renovations, school expansions, and school repairs.

The Federal Government, I believe, should support States and local school districts, help them afford the costs of school construction and modernization. I think that we in Congress can be proud of the fact that the 1997 Taxpayer Relief Act established qualified zone academy bonds, and they provide a source of capital at little or no interest. Now, while those qualified zone academy bonds are a step in the right direction, we need to do more.

Democrats in this House, including the gentlewoman from California (Ms. SANCHEZ) have put forth a number of initiatives which support school construction and modernization. We need to deal with those proposals. We need those proposals to be debated here on the floor, not after hours, but while we are engaged in our legislative work.

It is time to say to our children and parents around this country that children remain our top priority for the 21st century. Our goal this decade, this century, has got to be to leave no child behind, and we cannot do that if we are trying to teach in crumbling schools around the country. It is time for a new national initiative to help not to take over the school system, but simply to afford some financial assistance to our States and local communities to help them upgrade the quality of our schools.

Mr. Speaker, I just want to say "thank you" to both the gentlewoman from California (Ms. SANCHEZ) and the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN) tonight for

bringing us here to talk about this very important issue. I look forward to working with them both to make sure that we get something done.

Ms. CHRISTIAN-GREEN. Mr. Speaker, we thank the gentleman from Maine (Mr. ALLEN) for joining us this evening.

Mr. Speaker, I would now like to yield to the gentleman from Pennsylvania (Mr. KLINK) for such time as he may consume.

Mr. KLINK. Mr. Speaker, I thank the gentlewoman for yielding to me, and it is so nice to join my colleagues from the Virgin Islands to California, from Maine to North Carolina and all the States in between to talk about something that really, this is an issue that really comes down to good Democratic Party ideals, something that we believe in.

So much has been said tonight about the shortfall in investment in our schools and the need that we have. We have heard the statistics and too often these statistics just become raw numbers that we start throwing around, millions and billions and shortfalls, but there are real stories that are tied to the numbers that we are discussing on the floor tonight.

There are a couple of things that happen, and I think if we look at western Pennsylvania, we are in many ways a composite of what is going on around the whole Nation. In cities like Pittsburgh and communities like Aliquippa and Ambridge and Beaver Falls, those old industrial communities people have left because those industries have closed down, and when they leave there they move into a suburban area or they move to other parts of our Nation.

When they move to a new area, we have to build new schools because the population is increasing. We have to build new highways. We have to make an investment in infrastructure. And what is left behind is a shrinking tax base of primarily elderly people, people who do not have the means to be able to pay property taxes, people who do not have the good jobs, but they are stuck in those communities.

So what we are looking for is some help from State and Federal Government to say to the kids who are stuck in these communities that we are going to help, that we care; that as this Nation begins to move from the Industrial Age into the Information Technology Age that we are here as a Nation to establish an agenda to make sure that no child is left behind; that we are investing in safe schools, we are investing in building more space, more classrooms so people are not jammed in. We are investing in modern schools so that we do not have leaky roofs or asbestos that can cause harm to those kids.

In fact, I was on the floor a little earlier during the 5-minute segments, talking about the fact that it has been projected by our Commerce Department and by those people in the Information Technology Association of America that between now and the

year 2006 we are going to need 1.3 million new workers in the information technology field. What are we doing in this Nation to be able to train the students for those jobs? In fact, the industry has said we do not want to do that; we would rather import workers.

Now, I have got a problem with this. When we have got a lot of workers out there, like in my region of the country, southwestern Pennsylvania, during the 1970s and 1980s we lost 155,000 industrial jobs. During the debate on NAFTA, we admitted as a Nation that we were going to watch many of what we called the low-wage, entry-level manufacturing jobs move off shore, but the new economy, the Information Age, was going to ping up our work force and create tens of thousands of jobs.

Well, if we are going to import workers from other nations rather than spending money on schools, rather than spending money on training the students and retraining that displaced work force, what kind of a Nation are we? We should be looking at our people in this country. We certainly want to be a Nation that welcomes people; we have always done that. My family were immigrants from Europe. Other families are immigrants. We welcome that. But we also have a responsibility to give hope to the sons and daughters of the taxpayers who built this Nation.

And if we are going through a difficult time where we enter a worldwide economy, this Nation has to be willing to put its money where its mouth is. We have to be willing to invest from the Federal level on down in the building of schools, in the creation of more classrooms and the modernization of the teaching technologies that will match the technologies that these same students will be using in the workplace.

Those schools need to be safe. Those schools need to be effective. And we have seen study after study where the atmosphere of the school, the condition of the building, obviously has an impression on the ability of the students to learn and the teachers to teach. If people are going to work in any job in the worst conditions, in the worst physical plant, they cannot do the best job. And as a young impressionable student, if they are going to school in a school that is falling apart and the roof is leaking and windows are broken and there are dangers of asbestos and other kinds of things in the school building, then they cannot learn and the teachers cannot teach and they have a whole bad idea of their own self-esteem, the self-esteem of the school where they are coming from and they say, what is there to strive for?

Mr. Speaker, we owe our children better. And that is why I would like to thank both of my colleagues for moving forward with an idea that stands up for what the Democratic Party believes in. We believe that we have to take a nationwide view of where this country is going, of how this country is going to compete in a worldwide economy;

how we are going to prepare our work force, both those students who are growing up now, our sons and daughters as they are getting ready to enter the work force, and those workers who, as we have gone from a manufacturing industrial base technology into a technology that is information based, that is scientific based, that is technologically based, that we give them the tools, give them the schools, make the investment in those workers for training and for retraining so that we can educate that work force. Those people need to become taxpayers, not tax recipients.

Mr. Speaker, that is what this party stands for. That is why I am proud to be a Democrat. That is why I am proud to stand here at almost 10 o'clock when many people are home, but my colleagues are here working because we cannot talk about these things during the day. These things are not brought up on the floor during the day. They are not bills that are put on the calendar that we can vote on, even though 70 percent-plus of the American public believes we need to invest. The Federal Government needs to join the State government in investing, so that the burden does not fall only on those people paying property taxes, so that we are not taxing the elderly out of their homes by forcing the local government to raise all the taxes and to make their own determination as to how they can build school buildings.

So we need to find a national answer, and we in the Federal Government as the representatives of 500,000 people that reside in our district have that responsibility. We have that responsibility as Democrats, as Republicans, as independents, as citizens of this great Nation.

Mr. Speaker, I thank my colleagues for their leadership on this issue, and thank them for the time to join them, and to them I say, "May God bless you for your efforts."

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank the gentleman from Pennsylvania very much for joining us. We want to call on our colleagues to bring these issues to the floor for a vote, as the gentleman from Maine (Mr. ALLEN) said. It is important for us to gather here this evening to discuss the needs for school construction in all of our districts, but to be effective at doing this, we must bring it to debate on the floor when Congress is in session and vote on these issues and make sure that in voting we leave no child behind, as he has said.

The gentleman from North Carolina (Mr. ETHERIDGE) mentioned the "Baby Boom Echo," which is a Department of Education report which highlights the need for expanding our Nation's classrooms. That report says that it is predicted that K through 12 enrollments will be at an all-time high of 52.2 million by this fall, and by 2007 the number will reach 54.3 million. The Secretary of Education anticipates that 6,000 schools need to be built over the

next 10 years to accommodate this school population increase.

These are the kinds of issues that H.R. 2695 is to address, and I think we could spend the few more minutes remaining to us to highlight some of the points in the bill offered by the gentlewoman from California (Ms. SANCHEZ).

GENERAL LEAVE

Ms. SANCHEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. LEWIS of Kentucky). Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. SANCHEZ. Mr. Speaker, thank you for the opportunity to talk about the particular bill that I have introduced into the floor here.

I have here a chart that I want to go over so that I can somewhat explain some of the situation that is going on. Mr. Speaker, tonight we have many of our colleagues here from across the Nation. This is not just a California problem. It is not just an Anaheim problem or a Santa Ana problem. It is really an opportunity for us to make the room to educate our children.

Remember that the schoolhouse is not only the room in which we educate our children of the Nation, but we also use our school buildings for other reasons. Boy Scout and Girl Scout meetings, special meetings of the community, and we do ESL classes at night for new immigrants who want to learn English. So the schoolrooms are actually used more often than just the 5 or 6 hours during the school day.

On this chart, this is the projected increase of children in the next 10 years across the United States. And we see here we have the five fastest growing as far as projection of schoolchildren, the five fastest growing States: California, Hawaii, New Mexico, Utah, Idaho at about 16 percent to 11 percent, growing in the next 10 years.

Now here is the interesting point. Here is the Anaheim Elementary School District, the elementary schools of my hometown, and we are growing at a 25 percent rate. Let me tell my colleagues, Anaheim is a major city. It is the home of Disneyland. But I have a city right next to it, Santa Ana, and Santa Ana is also a major city and it has the youngest population of a major city across the United States. What does that tell us? We are full of youngsters in these towns. And we are growing at a 25 percent rate and yet, for example, in Santa Ana, we have 600 portable classrooms. Now, if we do the math, 600 portable classrooms is the equivalent of 27 elementary schools. New elementary schools. Where have we put these portable classrooms? We have put them on blacktop, on the places where our children used to play basketball and

dodgeball, and where they used to play soccer on the green fields, on the staff parking lots. We are actually using more and more of the playground and the other amenities that we need.

Mr. Speaker, I have gone to schools. One of the things about growing up in the same area that I represent is that I have gone to the same schools that I went to.

□ 2200

We used to have, a "breezeway" we used to call it, a separate hall. It is a tunnel between classrooms where you have a large amount of classrooms so that the teacher would not have to take the children all the way around all the building, of all the classrooms, you had to wait to cut in between. And that separate hall now has doors up on it and it has become a classroom. The broom closet of the janitor, the place where he used to store his round barrel with all the push brooms and everything, has now become an office of a therapist who now deals with 6 special ed children. These are the classrooms of today.

And I have classrooms in my district that actually do not have a classroom assigned to them, classes that, thank God, we are in Southern California, they teach outside; and on a rainy day, like when we have El Nino, we put them in a classroom where there is already a class going on, and it makes it very difficult to learn in those situations.

So not only are we bulging at the seams already, not only have we used up our space and now to the equivalent of 27 elementary schools, for example, but on top of that we have this almost double-growing happening in our area.

And that is why I say it is a local concern, it is the responsibility of people in local communities to stand up and say we need to do something about it and we want to do something about it. But it is also important for us to help at the Federal level, especially when we cannot build a school fast enough to house the growth that is going on. That is why these tax incentives are important. That is why we need to get involved.

Now let me tell my colleagues, it is not just willy-nilly; we are not just saying, oh, here, let us give away tax dollars up here. First of all, the restrictions on these are, for example, you must have already as a school district done something to help alleviate this problem.

Let me tell my colleagues what they have done at home. We have gone to year-round school. We do not go traditionally September through June any longer, and take the 3 months off of vacation time in the summer. And that is tough. Think about the fact that Southern California is a desert, so during the summer it is very warm in the classrooms, and those classrooms were not built with air conditioners. So in those classrooms where we might have had the funds to put an air conditioner

in, usually the air conditioner is louder than the teacher in the classroom. So it makes it very difficult to learn even if we have air conditioning in the classroom.

So we have done things. We have gone to year-round school. In fact, in Anaheim, if our bond issue does not pass on April 14, what will happen is we will go to double sessions, little kids going early in the morning to school and others coming home late at night after 5:00 p.m., when it is already dark at times during the year walking home or coming home. It is a very dangerous situation to be in.

Or what happens if you are a mother with 2 or 3 children, some going to the a.m. schedule, some going to the p.m. schedule, 1 of them going to a junior high that is on the traditional 9-month schedule, your other 2 children in the elementary school district going on the year-round schedule? How are you supposed to get your children there, take vacation, plan for the family? Think about that.

Or think about the fact that now we are having double or triple sessions of our children when they go to lunch and when our children stand 15 minutes in line to get their lunch. They sit down and have got 3 minutes to eat it because they have got to clear the picnic table for the next set of children to come on in. They have tried to solve their problems effectively, but it is still not enough.

Here is another problem that occurs for example: If you are using the school all the time, when do you do the normal wear-and-tear maintenance? How do you paint the graffiti out when the kids are there all the time? It becomes very difficult. Do you pay the custodian more to come in on Saturdays and Sundays? Because that is overtime; that is extra time. How do you make sure the kids' fingerprints do not show up on the wet paint because you cannot get it dry overnight? These are the difficulties that we are fighting, just very practical difficulties.

Secondly, what other incentive, what other restriction do we have? The business community must be involved in the school district. And we have very many partnership companies that have adopted schools that are helping with the technology aspect of schools. This is another thing that we put in.

Third, another way to qualify, another qualification that you need for this bill that we have got. They must have some children, at least 35 percent, who are on the school lunch program, i.e., it is a lower income area, someone who really needs the help. Because we were talking about property taxes earlier and there are really some school districts in dire straits.

Now, the issues for renovation that we already passed in the Tax Relief Act this past August targets the 100 most poverty-stricken school districts across the Nation. But there are even more who need help. I have to tell my colleagues, I know just how much we need

help because, it is a shame to say, but one of my school districts qualifies in that top 100 poverty-stricken school districts across the Nation.

But my bill would require that they meet some basic provisions; that we have a low income level; secondly, that the business community is working with them; and third, that they try to do something to help with the situation that they have before they would qualify to have the opportunity to try to pass a bond issue again, remembering in California this is a two-thirds vote, 66.7 percent of the people who come to vote must say yes, and then they would get a tax incentive provision to those investors in the bonds that would allow the interest cost to be picked up basically by the Federal Government.

So it is not just willy-nilly, it is really for those school districts like Anaheim Elementary School that have come forward and said, we need to do something, let us work very hard to get this bond issue passed; and it is a way for the Federal Government to say, we understand the need that you have there, we believe that "the fourth R" is important, and we are going to help you with that.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I think we need to commend those school districts where they have made the effort to ease the overcrowding through creatively trying to address it. But as my colleague has pointed out, in many of those instances where they have tried to accommodate the overcrowded classrooms, our children have suffered. They have to rush. They have no playroom space.

And so the whole educational environment is compromised, and so they do not get the kind of nurturing and support that school is supposed to provide; and so it is very important that we pass bills such as yours to provide additional classrooms and alleviate that overcrowding and, in a sense, reward some of those schools that have really worked very hard to keep the standards of their classrooms up and relieve the overcrowding.

Ms. SANCHEZ. Mr. Speaker, one of the other things that is happening is that we are realizing as a nation that the smaller amount of kids we have in the classroom with the teacher the more they learn. We have tried in California for the past 18 months the 20-to-1 ratio. Our kids, we used to have 28, 32, 40 kids sometimes to every teacher in the classroom. So we tried in the beginning classes, first grade, second grade, third grade, to try to accommodate and go to 20-to-1 ratio. We put the money forward to do that, and we have brought on new teachers.

There is also a teacher problem; but we brought on new teachers, we cut it down to 20-to-1. And where we have done that up and down the State of California, we have seen an improvement in test scores. Teachers that work with the children in the classrooms say this is the best thing they

have ever seen, our children are learning. And guess what? No classrooms.

Here is another problem. We know what works: more outreach, more time with each child. It requires more rooms in which to teach. I noticed that the President's initiative, as it came forward in the budget, had an 18-to-1 ratio that he wants to try to implement across the United States. Why? Because it works. We know it works. We have tested it in California. We are there. The problem is "the fourth R," where do we find the room for this to happen?

Ms. CHRISTIAN-GREEN. I do not know if my colleague has ever experienced double sessions, but when I was a PTA president and served on the board of education in the Virgin Islands, we had double sessions; we had our children getting up in the dark, coming home in the dark, and it is a very unsatisfactory situation for children to have to go through in trying to just get a basic education. So we do not want our children to have to go through that again.

Another point that was made was that schools are used for more than just educating our children; and also as we have realized how important it is to have small class size, we have realized the important role that school facilities can play in our community for the enrichment and the learning of the entire community. And so again it even underscores much more strongly how important it is that we have facilities that can meet the many and varied needs of the community that we represent and that we serve.

Mr. SNYDER. Mr. Speaker, will the gentlewoman yield?

Ms. SANCHEZ. I yield to the gentleman from Arkansas.

Mr. SNYDER. I wanted to add my voice of support for what my colleagues are talking about tonight. In Arkansas, I kind of divide our State into areas of rapid growth, the suburban areas; and then we also have the areas in which we have had lots of growth. And in all those areas there is a need for help with funding for school construction.

Our rapid-growth areas, I talk with superintendents, and each year they talk about how can we keep up with the growth of the next year, another elementary class? The problem we have with the folks that lose population is how do they keep up with the old school buildings?

I go, as I am sure all of my colleagues do, into the school buildings and take tours and meet the kids; and I went into one classroom and there was a huge hole in the wall. And every year they would patch it, but it is a structural problem and it leaks. And so those kids go in there every day to see the area where plaster is falling off the wall, yet we consider this as one of our very premier high schools in Arkansas, and I think it is a real problem.

It is too easy for us sitting here in Washington to say, that is a local problem, it is a State problem, it is not



anything we should worry about. And yet we expect our kids to be competitive around the world in jobs. We expect our kids to go into military and provide national defense. We expect our kids to be top, premier scientists to compete with the rest of the world. And yet we are going to turn our back on these school building problems, which I think is a real big part of what makes our kids do well in math and science with reading skills that we all expect.

So I do not know what the answer is in terms of the bill. But I know the first part of it is to call attention to the problem, and I commend my colleagues for doing it. In fact, I was back at my apartment watching C-SPAN and I thought, by gosh, I want to get in my two cents' worth on this issue. Because it is a big issue for Arkansas, and I appreciate my colleagues doing the work on it.

Ms. CHRISTIAN-GREEN. Mr. Speaker, we appreciate our colleague running over to join us and offering those words of encouragement and support.

Ms. SANCHEZ. I want to add something to that. My colleague talked about how we want our children to compete and be the best in the world. And we know that we are in an information age now, we are in the 21st century. I just had the Vice President out and he is a big pusher of technology in the classroom, and I was trying to tell him that in Anaheim Elementary, here is another reason why we need that bond issue passed on April 14. We have 3, count them, 3 phone lines into each of our elementary schools. That means when people call, to call in their kids being sick that morning, there are only 3 phone lines they can call in.

If someone needs to fax something, they are going to be using one of those phone lines. If the principal needs to be talking to somebody or making a phone call out, he or she is going to be using one of those phone lines. There are only 3 phone lines into that entire school.

If the teacher is in a classroom and an emergency is going on, there is no phone line into her classroom. Somebody has to get through the phone line at the front office and then somebody has to run down to that teacher's classroom and tell her something is going on and get the problem solved. Only 3 phone lines at a time.

Think about it, in our own businesses, imagine if in our businesses we had 60 managers and we had all these clients coming in and we had only 3 lines coming into our office, 3 lines in which to fax, et cetera, and call and take calls outside and bring calls in. How much work would we really get done?

And then add this to it. If we wanted to be on the Internet on your computers, if we wanted to be connected to the rest of the world the way all of us are now connected, we cannot do it on 3 phone lines alone. And that is why we need to put money not just to buy

them computers or bring them computers or to get them connected, but to redo the infrastructure that our children use.

Ms. CHRISTIAN-GREEN. Well, I do not know if there are any points that my colleague still wants to bring out in her bill.

I want to join my colleague who said earlier how proud he was to be a Democrat. We have several proposals that have been mentioned here this evening. We have H.R. 2695. We have one of the gentleman from New York (Mr. RANGEL), H.R. 3320. The gentlewoman from New York (Mrs. LOWEY) has a bill. The gentlewoman from California (Mrs. TAUSCHER) has a bill.

The Democrats really have been working very, very hard to improve education, beginning with the President's initiative.

□ 2215

I think with all of the bills that have been mentioned here this evening, we are putting together quite a comprehensive package that will begin to address the deficiencies in the school facilities while we also try to address giving the children the tools that they need and the teachers the tools that they need to educate our children. I am very proud to be a part of this caucus. I look forward to working with the other members of the caucus on their legislation and to see that it is passed.

Ms. SANCHEZ. Mr. Speaker, I would like to end by thanking all my colleagues for spending their time tonight to highlight the situation, to bring forth their ideas and in response, yes, it is great to be a Democrat and to bring forward these initiatives. I hope that we actually get them on during the legislative day and get to vote on some of these proposals.

Mr. TORRES. Mr. Speaker, I rise in support of increased funding for school construction and for bond initiatives to assist local communities in school improvement projects.

I have received numerous letters from my constituents regarding the need for action in this matter. These are not letters from large organizations or big corporations with a financial agenda. These letters are from junior high and high school students in my district. They are writing me to ask what I can do about the leaking ceilings and the crumbling walls in their schools. One of the high schools in my district has an entire section of its buildings sectioned off because it has been condemned. This is not only a crisis in my district but a crisis throughout the country.

We tell our children that they must maintain better grades, and that they must perform to higher standards, yet, we send them to schools that are falling apart. And we ask our teachers, who have one of the hardest jobs in the world and are grossly underpaid, to perform at higher standards, while sending them to work in substandard buildings.

One of the more promising ideas for reform is to reduce class size. This is a proven, effective method for improving academic achievement in students, but we need more classrooms to accomplish this goal.

We talk about reforming the public school system and debate over vouchers, block

grants and national tests. But tomorrow morning, millions of children will go to school in buildings that are inadequate.

We have an opportunity in this Congress, in his budget cycle, to give these children the classrooms they need to achieve their full academic potential. Let's not let them down.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to join my colleagues in support of school construction. I believe that the best way to give young people the chance to succeed in life is to ensure that they have a quality education. I spend every Monday and Friday in the schools on Long Island, talking with students, teachers, principals, superintendents, and parents about how we can make the education system work better. In visiting these schools, I see teachers and students who are committed to education. And these visits show me that we have great schools on Long Island. But these visits also show that many of the buildings in which our students learn are inadequate, overcrowded, and in poor condition.

Mr. Speaker, what kind of message do we send kids about reading when their libraries have no books? What message do we send to our teachers about teaching when their classrooms are overcrowded and run-down? And what message do we give to the world about our ability to compete globally when our computers are hopelessly outdated?

These problems were repeated in many of the schools I visited across Long Island—overcrowded classrooms, leaky roofs, broken doors, poor heating and bad ventilation systems. And this surprised me. I thought as many others do that this was an urban problem. Well, I was very wrong.

I decided to find out the true extent of the problem. Last Fall, I sent out a survey to every Superintendent in my District, asking them about the physical condition of their schools—the age of the buildings, whether they needed renovations, the quality of the roofs, the windows and the walls, and whether they had access to the Internet.

The response was overwhelming and insightful. Twenty three percent of schools say that additional space is a top problem and 44 percent said that classes are held in other areas. After the survey results were in, I visited the Washington Rose School, a school that reported many problems. I toured the facility with the principal, superintendent, and parents. And I talked with wonderful, bright children who are very eager to learn—but stuck in a school with physical problems.

In fact, one of the most serious was the speech teacher's office—a small desk with two chairs out in the stairwell. I thought to myself, how can any child work through a learning disability in the stairwell, with other children passing by?

Who is to blame for these problems? I have spoken with the principals, superintendents, teachers and the parents in my district. They are committed to making their school buildings the very best they can be. But it is expensive to rebuild and repair schools. And local money is simply not available.

School construction and renovation affect every corner of the nation, and each child in school now demands our attention. If we provide funds for school construction, then we will send a clear message to our young people that, yes, we do care about your education, and, yes, we do want you to learn in the best

environment possible. We can do no less for our children.

#### RELIGIOUS FREEDOM

The SPEAKER pro tempore (Mr. LEWIS of Kentucky). Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma (Mr. ISTOOK) is recognized for 60 minutes.

Mr. ISTOOK. Mr. Speaker, I am thankful for the opportunity to address an extremely significant issue that relates to our schools, that relates to some of our most cherished principles as citizens of the United States of America and that unfortunately involves things which the courts of the United States have thrust upon the people despite the unwillingness of the people, in fact despite great concern and opposition by the public.

This relates, Mr. Speaker, to the matter of what happens in our public schools. It relates to the practices that have gone on for generations upon generations in this country involving prayer in public bodies, in particular, in our schools.

I am not talking about this just to be talking about it, Mr. Speaker. I am doing it because we are going to have an opportunity in the next few weeks here in the House of Representatives to vote on correcting what the courts in the United States have done, what the U.S. Supreme Court has done in its bans and restrictions and prohibitions on the practice of simple prayers being offered at public school. That particular legislation is the Religious Freedom Amendment, House Joint Resolution 78. I am privileged to be the principal sponsor of it. There are over 150 Members of this body who are sponsors as well. I would like to share with my colleagues the text of that. The Religious Freedom Amendment is very simple and straightforward and tries to return us to what were bedrock principles of this country until the Supreme Court began undercutting those principles some 36 years ago. The text is very straightforward and reads as follows as an amendment to the U.S. Constitution:

To secure the people's right to acknowledge God according to the dictates of conscience, neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion or deny equal access to a benefit on account of religion.

It is simple and it is straightforward. It states that just as the constitutions of every single State in this country state, we believe in the people's right to acknowledge God, and expressly mentions him, as the constitutions of the States do. No official religion, but not these restrictions that are put on prayer and positive expressions of reli-

gious faith but that are not applied to other forms of speech.

Why is religious speech singled out for discrimination? Mr. Speaker, in 1962, the U.S. Supreme Court ruled that even when participation was voluntary and even if it was some sort of non-sectarian prayer, it was unconstitutional, they said, for school children to join together in a prayer in their classroom. That was followed by other Supreme Court decisions, *Stone v. Graham* in 1980, in which the U.S. Supreme Court said that the Ten Commandments could not be displayed on the walls of a public school. Mr. Speaker, I would note that that decision came out of your home State of Kentucky because it was Kentucky schools that had the practice. Groups would make copies of the Ten Commandments available and they would be hung with other important documents as the source of law as well as the source of spiritual guidance.

I notice, Mr. Speaker, here in the Chamber of this House as I am facing and as the Speaker faces from the Speaker's dais, right there is the visage of Moses looking down on this Chamber, the great lawgiver who brought down from Mount Sinai the Ten Commandments which cannot be displayed in public schools. The U.S. Supreme Court says it is unconstitutional.

They went beyond that. They ruled in a case that came out of Pennsylvania, they ruled that a nativity scene and also a Jewish menorah could not be placed on public property during the holiday season unless right up there next to it you put nonreligious emblems, like plastic reindeer and Santa Claus and Frosty the Snowman. They had to be balanced. But, Mr. Speaker, I have never heard of any community that is required if they want to put out Santa Claus that they have to balance him with a nativity scene or a menorah or whatever it may be. It seems to be a one-way street.

The U.S. Supreme Court kept going. They had the case in 1985 of *Wallace v. Jaffree*. It came out of Alabama. Alabama had a law that said you can have a moment of silence to start the day at school, a moment of silence. The U.S. Supreme Court ruled that was unconstitutional, because one of the permitted uses of that moment of silence was to enable students to have a silent prayer, and thus they said the whole moment of silence is even unconstitutional. And then a case upon which I would like to elaborate in 1992. By a 5-4 decision, the case of *Lee v. Wiseman* out of Rhode Island, the U.S. Supreme Court ruled a prayer at a school graduation to be unconstitutional. It was a prayer that was offered by a Jewish rabbi. The court held it was unconstitutional.

All of these things, Mr. Speaker, are what the Supreme Court has done to twist and distort and undermine our First Amendment, the very first right mentioned in the First Amendment, Congress shall make no law respecting

an establishment of religion or prohibiting the free exercise thereof. Now, without even getting into the point of whether a school is creating an act of the Congress, and we are kind of two different bodies at two different levels, but to say that they are ignoring the part of the Constitution that says you do not prohibit the free exercise of religion, because what the Court did, Mr. Speaker, in all of these cases is to say that having a prayer or the Ten Commandments or a moment of silence or a nativity scene or a menorah, that that was the same as creating an official church. How absurd. An official church created just because you have a prayer? We open sessions of this Congress with a prayer. The House and the Senate, just like legislative bodies all around the country, be it State legislatures or city councils or private groups, Kiwanis Club, Rotary Club, PTA meetings, people commonly open those things with prayer, just as we do here in Congress. It is normal. It does not make us a church just because we have a prayer. But the Supreme Court says, "Oh, you have a prayer at school and you're turning the school into a church." Therefore, they ignore the free exercise clause of the Constitution.

We have been living under this for 36 years. The only way that we are going to be able to fix this is with the religious freedom amendment, to straighten out the courts, by saying that the things they have said are somehow wrong are indeed, as the American people believe, right.

I said I wanted to focus on a particular case. That was the case in 1992 of *Lee v. Wiseman*. What I would like to do, Mr. Speaker, is in different evenings during these special orders in talking about the religious freedom amendment, I think it is important to dissect and to help Members of this body as well as the general public to understand what the courts said so that we can understand the necessity of correcting it with the religious freedom amendment. After all, that has been the method that we have used to correct Supreme Court decisions ever since the 1800s in America, including, for example, Supreme Court decisions such as the *Dred Scott* decision that were trying to uphold the practice of slavery. We made sure that it was outlawed.

Mr. Speaker, looking at the *Lee v. Wiseman* case, and I would note, it is a 5-4 decision of the U.S. Supreme Court. Had one justice, just one of the nine justices of the U.S. Supreme Court gone the other way, we would not have this same problem when it comes to being able to have a prayer at a school graduation. Yet because one justice would not go the other way, we have to get two-thirds of the House of Representatives, two-thirds of the Senate to approve a constitutional amendment, and of course then it has to be ratified by the legislatures in three-

fourths of the States, all because by a margin of 5-4 the Supreme Court made this ruling.

This was a very strange ruling, Mr. Speaker, because the Supreme Court rested the whole decision on the notion that to expect someone during a prayer is psychological coercion that the majority of the Supreme Court equated with the same as using compulsion on someone to have a particular religion just because at this graduation the students were expected to be respectful, not only respectful of the prayer offered by the rabbi but respectful of the other speakers, respectful of the people as they came in as a group, as part of this graduation, respectful of the other people in attendance. But, oh, if it was respect for the rabbi's prayer, oh, there the Supreme Court said, "Well, you can't expect people to be respectful of religion. After all, they may disagree." Okay. I disagree with many of the things said on the floor of this House. That does not mean that I have a right to silence and to censor the people who may say it. It is common in everyday life. In all sorts of settings, we hear things with which we disagree. That does not give us the right to censor and silence people. But this notion of political correctness which has been extended into schools is saying, "Oh, but my goodness, if somebody doesn't like it, let's see if we can find an excuse to silence them," and they twist and distort the First Amendment to make it anti-religious instead of positive toward religion and use that as an excuse to silence people. Let us look at this decision. The decision came down from the U.S. Supreme Court June 24, 1992. The justices who said that this prayer at a school graduation was unconstitutional were Justices Kennedy, Blackmun, Stevens, O'Connor and Souter. Dissenting and, boy, did they dissent in very clear terms, dissenting were Justices Scalia, Rehnquist, the Chief Justice, White, and Thomas.

I am looking at the Supreme Court decision and for people that look up these things and want to look up the reference, which is called the citation, it is cited as 505 U.S. 577. That is 505 United States Reports, page 577. As the Court wrote, and Justice Kennedy wrote the opinion for the majority and a lot of organizations got involved in this, and I am glad to say, Mr. Speaker, by the way, that most of those who were arguing in favor of the graduation prayer are also supporters of the religious freedom amendment. The prayer actually happened in 1989. The Supreme Court took 3 years to make its decision. But it was a public school, Nathan Bishop Middle School in Providence, Rhode Island. There was a 14-year-old girl who was one of the graduates of middle school, her name was Deborah Wiseman. At the time she was about 14 years old. Now, it was the policy in the schools and the superintendent to permit principals to invite members of the clergy to give invocations and benedictions. Often, it was not al-

ways but often they chose to make these part of the graduation ceremonies.

□ 2230

The objector in this case was Deborah Weisman and her father Daniel Weisman. The school principal invited a Jewish rabbi to offer the prayer. The rabbi's name was Leslie Gutterman, and he was from the Temple Beth El in Providence, Rhode Island.

Now these were the two prayers that he offered Mr. Speaker, which the Supreme Court held were unconstitutional, and I think people can decide for themselves if they think there is something offensive here. The invocation offered by Rabbi Gutterman was as follows:

God of the free, hope of the brave, for the legacy of America where diversity is celebrated and the rights of minorities are protected, we thank You. May these young men and women grow up to enrich it. For the liberty of America, we thank You. May these new graduates grow up to guard it. For the political process of America in which all its citizens may participate, for its court system where all may seek justice, we thank You. May those we honor this morning always turn to it in trust. For the destiny of America, we thank You. May the graduates of Nathan Bishop Middle School so live that they might help to share it. May our aspirations for our country and for these young people who are our hope for the future be richly fulfilled. Amen.

So the invocation by Rabbi Gutterman even praised the very courts which later said that he violated the Constitution in doing so.

Then there is the benediction that the rabbi offered at the close of the graduation. These were the words that he pronounced:

O God, we are grateful to you for having endowed us with a capacity for learning which we have celebrated on this joyous commencement. Happy families give thanks for seeing their children achieve an important milestone. Send your blessings upon the teachers and administrators who helped prepare them. The graduates now need strength and guidance for the future. Help them to understand that we are not complete with academic knowledge alone. We must each strive to fulfill what you require of us all, to do justly, to love mercy, to walk humbly. We give thanks to you, Lord, for keeping us alive, sustaining us and allowing us to reach this special happy occasion. Amen.

That was the benediction offered by Rabbi Gutterman which again the U.S. Supreme Court, because someone chose to find it offensive, the U.S. Supreme Court ruled it unconstitutional.

Now in this, Mr. Speaker, do you notice the case was brought by and on behalf of one student?

Now the Court does not tell us clearly just how big the class was. It was evidently, from other comments you

know, a good-size graduating class from this middle school.

No one else joined in the court case to say I also object, just one student, and that is part of the problem with the standard, the erroneous standard that has been created by the Supreme Court. If one person objects, everyone else is censored. In fact, they have even said even if nobody does object, the possibility that somebody could object is enough to make us say that you should not have prayers at school graduations or prayers at the start of the school day.

Since when, Mr. Speaker, does something have to be unanimous before we can say it under free speech in the USA? And why should we restrict religious speech?

But let me get back to what Justice Kennedy wrote for this five-four-Court majority. He mentioned the parties stipulate attendance at these graduations is voluntary, and they also note the students stood for the Pledge of Allegiance, and then they remained standing for the rabbi's prayers, and the court wrote that they assume that there was a respectful moment of silence just before and just after the prayers, but despite that, the rabbi's two prayers probably did not last much beyond a minute each, if even that much.

Now the school board, and by the way the United States of America through the Solicitor General's Office, sided with the school board. The Solicitor General filed a brief on behalf of the school. The school board argued that the short prayers and others like it are of profound meaning to many students and parents throughout the country. As Justice Kennedy noted, they consider that due respect and acknowledgment for divine guidance and for the deepest spiritual aspirations of our people ought to be expressed at an event as important in life as graduation.

Now first the plaintiffs, the Weismans, asked for a court injunction to stop the prayer from taking place. The court said we do not have time before the graduation, did not grant the injunction. They maintained the suit after the prayers were given, the court made the decision, oh, it should not have happened, it was unconstitutional, and they held, of course, a violation of the first amendment. They issued a permanent injunction against the school system there in Providence, Rhode Island, saying you are permanently enjoined, do not do this again, do not have one of these horrible prayers at school graduation.

Of course, I do not think it is horrible, I think it is normal. But the court held that it was unconstitutional, and on appeal the U.S. Court of Appeals agreed with the district court, as ultimately the U.S. Supreme Court did.

Now Justice Kennedy wrote, well, even though attendance is voluntary at graduation it is really kind of obligatory because you expect students to

want to be at their graduation. And they found a lot of criticism with the fact that the actual invitation to the rabbi, rather than coming maybe from a student body officer or something like that, the fact that the invitation was extended by the principal of the school, the Supreme Court thought that was very significant. Now I do not know how that affected necessarily the nature of the prayer that the rabbi gave, but the rabbi was given a copy of different guidelines for civic occasions. And that was the name of the document, Guidelines for Civic Occasions, that the principal gave him and said, I hope your prayers are going to be non-sectarian. And, as the Court said, well, that was a State effort to control the prayer.

Now imagine that. They say we hope that you will offer a prayer that will be as acceptable as possible to people, and the Court says that is the same as controlling the content.

And then the Court went on to say that it is unconstitutional for the government to try to suggest that a prayer seek common ground. Really, they really said that. This is what Justice Kennedy wrote, these are his words: If common ground can be defined which permits one's conflicting faiths to express the shared conviction that there is an ethic and morality which transcends human invention, the sense of community and purpose sought by all decent societies might be advanced. But though the first amendment does not allow the government to stifle prayers which aspire to these ends, neither does it permit the government to undertake that task for itself.

I find it very interesting, Mr. Speaker, that Justice Kennedy says the first amendment does not allow the government to stifle prayers, and yet that is what the Supreme Court did in this very case. They stifled the prayers. They said that it may have happened that time but do not let us catch you doing it again.

□ 2245

What a remedy. They say that they knocked out the prayer to avoid insulting the rabbi who offered the prayer.

It is really hard for me, Mr. Speaker, to follow this psychological coercion test that Justice Kennedy and the majority of the Supreme Court wrote about in this decision. I think it is much more fruitful to look at what the four Justices wrote when they dissented, that being Justices Scalia, Chief Justice Rehnquist, Justice White, and Justice Thomas.

This is what they wrote countering what the Supreme Court had done. I would like to advise you, Mr. Speaker, that it is the philosophy that was voiced by four Justices of the U.S. Supreme Court in this dissent; it is that philosophy which is embodied in the religious freedom amendment. In fact, in other cases impinging upon religious freedom, there were dissents filed by other Justices of the Supreme Court.

We have taken to heart what they said, and what they believe is the proper interpretation of the Constitution and I think what the American people believe is the proper interpretation. We have sought to incorporate that in the religious freedom amendment upon which we will soon be voting.

So let us look then at what these four Justices wrote through Justice Scalia. Talking about the majority ruling, they wrote:

As its instrument of destruction, the bulldozer of social engineering, the Court invents a boundless and boundlessly manipulable test of psychological coercion; lays waste a tradition that is as old as public school graduations themselves, and that is a component of an even more long-standing American tradition.

Today's opinion shows more forcibly than volumes of argumentation why our Nation's protection, that fortress which is our Constitution, cannot possibly rest upon the changeable, philosophical predilections of the Justices of this Court, but must have deep foundations in the historic practices of our people.

They went on to discuss, Mr. Speaker, some of the historic practices of prayer in public settings. As they wrote, the history and tradition of our Nation are replete with public ceremonies featuring prayers of thanksgiving and petition.

In his first inaugural address, after swearing his oath of office on a Bible, George Washington deliberately made a prayer part of his first official act as President. Such supplication has been a characteristic feature of inaugural addresses ever since.

Thomas Jefferson, for example, prayed in his first inaugural address. In his second inaugural address, Jefferson acknowledged his need for divine guidance and invited his audience to join his prayer.

Reading further from the Court dissent, similarly, James Madison, in his first inaugural address, placed his confidence in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations.

Most recently, President Bush, continuing the tradition established by President Washington, asked those attending his inauguration to bow their heads and made a prayer his first official act as President.

Reading further from Justice Scalia, the day after the First Amendment was proposed, Congress urged President Washington to proclaim a day of public thanksgiving and prayer to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God. President Washington responded by declaring Thanksgiving for November 26, 1789.

Reading further from the dissent in the *Lee v. Weisman* case, the other two branches of the Federal Government also have a long-established practice of prayer at public events. As we detailed in *Marsh v. Chambers*, congressional sessions have opened with a chaplain's

prayer ever since the first Congress. And this Court's own sessions have opened with the invocation "God save the United States and this Honorable Court" since the days of Chief Justice Marshall.

In addition to this general tradition of prayer at public ceremonies, there exists a more specific tradition of invocations and benedictions at public school graduation exercises.

By one account, the first public high school graduation ceremony took place in Connecticut in July 1868, the very month, as it happens, that the Fourteenth Amendment was ratified, when 15 seniors from the Norwich Free Academy marched in their best Sunday suits and dresses into a church hall and waited through majestic music and long prayers.

As the Court acknowledges in describing the customary features of high school graduations, the invocation and benediction have long been recognized to be as traditional as any other parts of the school graduation program and are widely established.

Yet, Mr. Speaker, despite what 4 dissenting Justices were telling them in the words which I am reading to you, Mr. Speaker, despite that, just by a margin of 5 to 4, the Supreme Court said you should not have prayer at school graduations.

Now, these dissenting 4 Justices, Mr. Speaker, they turned their attention then to the argument, this psychological coercion argument that had been made by Justice Kennedy on behalf of the majority. Let me read you what they wrote about this.

According to the Court, students in graduation who want to avoid the fact or appearance of participation in the invocation and benediction are psychologically obligated by public pressure as well as peer pressure to stand as a group or at least maintain respectful silence during those prayers.

This assertion, the very linchpin of the Court's opinion, is almost as intriguing for what it is does not say as for what it says. It does not say, for example, that students are psychologically coerced to bow their heads, to place their hands in a prayerful position, to pay attention to the prayers, to utter amen, or in fact to pray.

It claims only that the psychological coercion consists of being coerced to stand or at least maintain respectful silence. That is all anybody was coerced to do. Nobody was required to join in a prayer. They were just expected to be respectful.

Mr. Speaker, it is a sad day when students in public schools are not taught to be respectful even, and perhaps especially, when somebody is saying or doing something with which they disagree.

The 4 dissenting Justices called the arguments of their 5 brethren ludicrous. That is their word for it, ludicrous. But they wrote further, let us

assume the very worst, that the non-participating graduate is suddenly coerced to stand. Even that does not remotely establish a participation or an appearance of participation in a religious exercise.

The Court acknowledges that in our culture, standing can signify adherence to a view or simple respect for the views of others. But if it is a permissible inference that one who is standing is doing so simply out of respect for the prayers of others, then how can it possibly be said that a reasonable dissenter could believe that the group exercise signifies her own participation or approval.

The opinion manifests that the Court itself has not given careful consideration to its test of psychological coercion. For if it had, how could it observe with no hint of concern or disapproval that the student stood for the pledge of allegiance which immediately preceded Rabbi Gutterman's invocation?

Does that not ring a bell, Mr. Speaker? Is that now how we open our sessions of this Congress? We stand together, and we say the Pledge of Allegiance to the flag that is draped behind you, Mr. Speaker, and a prayer is offered. The Supreme Court said that that simple pattern was unconstitutional in a public school setting.

Now, about this requirement of standing, which is the only thing that any student was asked, not compelled, but they said, well, it was coercion. It was coercion to expect him to stand, even though they were not forced to.

As Justice Scalia wrote in the dissent, if students were psychologically coerced to remain standing during the invocation, they must also have been psychologically coerced moments before to stand for, and thereby, in the Court's view, to take part in or appear to take part in the Pledge of Allegiance. Must the pledge, therefore, be barred from the public schools?

I mention that, Mr. Speaker, because there is another U.S. Supreme Court decision, it is 50 years old now, 50 years old this year, relating to the Pledge of Allegiance in public schools. I think, Mr. Speaker, that it incorporates the proper standard, whether you are talking about at the graduation or the classroom setting, the proper standard.

Because in that case, which came out of West Virginia, *West Virginia versus Barnette*, the U.S. Supreme Court said no child can be compelled to say the Pledge of Allegiance. That is fine with me, Mr. Speaker. I do not want to compel someone to say the Pledge of Allegiance if they do not wish to say it. But what the Court did not do was to say that, because one child objects or might object, therefore, they can stop the other children from saying the Pledge of Allegiance.

That ought to be the standard that applies to prayer, to voluntary prayer at public schools or at a school graduation. No one is compelled to participate. The religious freedom amendment makes that explicit. You cannot

require any person to join in prayer or other religious activity, but that does not give you the right to censor and silence those who do.

And as Justice Scalia noted here, does this mean that under this test that the Supreme Court applied to graduation prayer, now we are going to have to go back and ban the Pledge of Allegiance from our public schools? Because it is the same coercion to be respectful for that.

Mr. Speaker, it is long overdue that we correct decisions like this that have come from the U.S. Supreme Court, decisions that have used the First Amendment not as a shield of protection for religious freedom of the U.S.A., but as a weapon to stifle simple prayers, simple expressions of faith, whether it be at a school graduation or in a classroom.

Let me read some of the last words that were written by the 4 Justices who stood strong for our values and our traditions and dissented from this decision in *Lee versus Weisman*. Here is what they wrote in closing their decision or their dissent:

The reader has been told much in this case about the personal interest of Mr. Weisman and his daughter and very little about the personal interests on the other side. They are not inconsequential. Church and State would not be such a difficult subject if religion were, as the Court apparently thinks it to be, some purely personal avocation that can be indulged entirely in secret, like pornography in the privacy of one's room. For most believers, it is not that and has never been.

Religious men and women of almost all denominations have felt it necessary to acknowledge and beseech the blessing of God as a people and not just as individuals, because they believe in the protection of Divine Providence, as the Declaration of Independence put it, not just for individuals, but for societies.

One can believe in the effectiveness of such public worship or one can deprecate and deride it, but the long-standing American tradition of prayer at official ceremonies displays with unmistakable clarity that the establishment clause does not forbid the government to accommodate it.

Nothing, absolutely nothing, the closing words of Justice Scalia, nothing, absolutely nothing is so inclined to foster among religious believers of various faiths a toleration, no, an affection for one another than voluntarily joining in prayer together. No one should be compelled to do that, but it is a shame to deprive our public culture of the opportunity and, indeed, the encouragement for people to do it voluntarily.

The Baptist or Catholic who heard and joined in the simple and inspiring prayers of Rabbi Gutterman on this official and patriotic occasion was inoculated from religious bigotry and prejudice in a manner that cannot be replicated.

To deprive our society of that important unifying mechanism in order to spare the nonbeliever what seems to me the minimal inconvenience of standing or even sitting in respectful nonparticipation is as senseless in policy as it is unsupported in law.

□ 2300

We have had a lot of senseless decisions from the U.S. Supreme Court when it comes to prayer in public schools, at graduation, the ability to have the Ten Commandments displayed in public places, or a nativity scene, a menorah, or it might be an emblem of some other religious holiday at an appropriate time of celebration. But, Mr. Speaker, to strip away the history, the culture, the tradition, the beliefs, the faith and the heritage of the people of the United States of America, not by a joint decision of the people of this country, but by bare majorities or even a 9-to-0 decision of the U.S. Supreme Court, to tromp upon the beliefs and convictions of the people of this country is not justified by the First Amendment.

Mr. Speaker, I do not want to change the Constitution to fix this, but there is no other way, because the Supreme Court has already distorted our First Amendment, using it as a weapon against public expression of faith; using it to censor and to silence simple prayers of hope and faith by children in our schools.

The religious freedom amendment, Mr. Speaker, addresses this, and we will be addressing it in the next few weeks. It has been approved by the Subcommittee on the Constitution; it has been approved by the House Committee on the Judiciary; it will be coming to this floor for a vote, to correct decisions such as this one and others of the U.S. Supreme Court.

I repeat, Mr. Speaker, a simple text, the Religious Freedom Amendment:

To secure the people's right to acknowledge God according to the dictates of conscience. Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize the religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, proscribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion.

Religion is something that is good in this country. It has had a positive influence ever since it motivated the pilgrims to come to America and to found this Nation, because they sought religious freedom; they sought the protections that the Supreme Court would deny people today.

Mr. Speaker, I urge my colleagues to support the Religious Freedom Amendment. To those who have not joined the more than 150 cosponsors, I invite them to join and put their name on this amendment and join with us today in that. I hope that their constituents will call their offices and tell them they need to be supporting the Religious Freedom Amendment, they need to put their name on it. They need to be helping Congressman Istook and the others who are supporting this.

Mr. Speaker, this is something that is so vital because our cherished first freedom is being undercut by the Supreme Court that is supposed to be its

guardian, and the Constitution sets up a system where if something goes wrong with interpretation of the Constitution, we offer an amendment, because we, Mr. Speaker, are charged to be the protectors of what the Founding Fathers intended, and the Religious Freedom Amendment helps us to provide that protection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WATERS (at the request of Mr. GEPHARDT) for today through April 1, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT) for today, on account of physical reasons.

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today through April 3, on account of official business.

Mr. McDERMOTT (at the request of Mr. GEPHARDT) for today through March 27, on account of official business.

Mr. RANGEL (at the request of Mr. GEPHARDT) for today through April 1, on account of official business.

Mr. STARK (at the request of Mr. GEPHARDT) for today and March 25, on account of official business.

Mr. ROYCE (at the request of Mr. ARMEY) for today through April 1, on account of traveling on behalf of the Speaker of the House of Representatives with the President of the United States in Africa.

Mrs. CHENOWETH (at the request of Mr. ARMEY) for today, on account of illness.

Mr. CANNON (at the request of Mr. ARMEY) for today and the balance of the week, on account of the birth of his child.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BORSKI) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

Mr. FRANK, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. MORAN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. EWING, for 5 minutes, each day today and on March 25, 26, and 27.

Mrs. CUBIN, for 5 minutes, on March 25.

Mrs. KELLY, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, on March 25.

Mr. JONES, for 5 minutes, on March 25.

Mr. EHRLICH, for 5 minutes, on March 25.

Mr. METCALF, for 5 minutes, on March 25.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BORSKI) and to include extraneous matter:)

Mr. KIND.

Mr. MANTON.

Ms. NORTON.

Mr. HALL of Ohio.

Mr. MORAN of Virginia.

Mr. SCHUMER.

Mr. EVANS.

Mr. KENNEDY of Rhode Island.

Mr. KUCINICH.

Mr. LANTOS.

Mr. PASCRELL.

Mr. HAMILTON.

Mr. LIPINSKI.

Mrs. MEEK of Florida.

Mr. BENTSEN.

Mr. FATTAH.

Mr. FROST.

(The following Members (at the request of Mr. WELDON of Florida) and to include extraneous matter:)

Mr. DAVIS of Virginia.

Mr. LEWIS of California.

Mr. RIGGS.

Mrs. ROUKEMA.

Mr. GINGRICH.

Mr. EVERETT.

Mr. SOLOMON.

Mr. COLLINS.

Mr. SMITH of Oregon.

Mr. TAYLOR of North Carolina.

(The following Members (at the request of Mr. ISTOOK) and to include extraneous matter:)

Mr. BASS.

Mr. TIERNEY.

Ms. MILLENDER-MCDONALD.

Mr. LEWIS of Kentucky.

Mr. CONYERS.

Mr. EVANS.

Mr. KANJORSKI.

Mr. TORRES.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 758. An act to make certain technical corrections to the Lobbying Disclosure Act of 1995.

#### ADJOURNMENT

Mr. ISTOOK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 25, 1998, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8171. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Bamboo [Docket No. 96-082-2] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8172. A communication from the President of the United States, transmitting his requests for an emergency FY 1998 supplemental appropriation of \$1,632.2 million for disaster relief activities of the Federal Emergency Management Agency, and accompanying amendment, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—234); to the Committee on Appropriations and ordered to be printed.

8173. A letter from the Chairman, Panel to Review Long-Range Air Power, transmitting the report of the Panel To Review Long-Range Air Power, pursuant to Pub. L. 105—56 and Public Law 105—85, section 131; to the Committee on National Security.

8174. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Closure of Specified Groundfish Fisheries in the Bering Sea and Aleutian Islands [Docket No. 971208298-8055-02; I.D. 031198A] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8175. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 98-28] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8176. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 98-18] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8177. A letter from the Secretary of Defense, transmitting supplemental information on the proposed obligation of certain Cooperative Threat Reduction Program funds; jointly to the Committees on International Relations and National Security.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUMP: Committee on Veterans' Affairs. H.R. 3211. A bill to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes; with an amendment (Rept. 105-458). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2186. A bill to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming (Rept. 105-459). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 390. Resolution providing for consideration of the bill (H.R. 2589) to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes (Rept. 105-460). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 391. Resolution providing for consideration of the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of non-immigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General (Rept. 105-461). Referred to the House Calendar.

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 3310. A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses; with an amendment (Rept. 105-462 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

### DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Small Business discharged from further consideration. H.R. 3310 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3310. Referral to the Committee on Small Business extended for a period ending not later than March 24, 1998.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Oregon:

H.R. 3530. A bill to address the destruction and degradation of important forest resources on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and en-

vironmental laws, to establish a program to inventory and analyze public and private forests, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. McDERMOTT, Ms. CHRISTIAN-GREEN, Mr. GEJDENSON, Mr. HILLIARD, Ms. KAPTUR, Mr. LANTOS, Ms. LOFGREN, Mr. NADLER, Ms. NORTON, Mr. RUSH, Mrs. THURMAN, and Ms. WOOLSEY):

H.R. 3531. A bill to support breastfeeding by new mothers and encourage employers to support workplace lactation programs, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, House Oversight, Government Reform and Oversight, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAN SCHAEFER of Colorado:

H.R. 3532. A bill to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1999, and for other purposes; to the Committee on Commerce.

By Mr. COLLINS:

H.R. 3533. A bill to terminate the exception provided for certain real estate investment trusts from the rules relating to stapled entities; to the Committee on Ways and Means.

By Mr. CONDIT (for himself, Mr. PORTMAN, Mr. GOODE, Mr. SOLOMON, Mr. DREIER, Mr. BISHOP, Mr. ARMEY, Mr. STENHOLM, Mr. GOSS, Mr. MCINTYRE, Mr. LINDER, Mr. JOHN, Ms. PRYCE of Ohio, Mr. CRAMER, Mr. MCINNIS, Mr. HASTINGS of Washington, Mrs. MYRICK, Mr. BOEHNER, Mr. DOOLITTLE, Mr. SESSIONS, Mr. CHABOT, and Mr. TURNER):

H.R. 3534. A bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENSIGN (for himself, Mr. NEY, Mr. CHRISTENSEN, Mr. GIBBONS, and Mr. SHAYS):

H.R. 3535. A bill to establish limits on medical malpractice claims, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island:

H.R. 3536. A bill to amend the Internal Revenue Code of 1986 to encourage the construction in the United States of luxury yachts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD (for herself, Mr. HASTINGS of Florida, Ms. KILPATRICK, Ms. NORTON, Mr. FALEOMAVAEGA, Mr. RANGEL, Mr. DAVIS of Illinois, Ms. BROWN of Florida, Mr. LEWIS of Georgia, Mr. GUTIERREZ, Mr. MARTINEZ, Ms. DeLAURO, Mr. LANTOS, Mr. PALLONE,

Mr. WYNN, Ms. RIVERS, and Ms. JACKSON-LEE):

H.R. 3537. A bill to amend title 18, United States Code, to prohibit the delivery of alcohol to minors; to the Committee on the Judiciary.

By Mr. PALLONE (for himself and Mr. GREEN):

H.R. 3538. A bill to amend title XXVII of the Public Health Service Act to limit the amount of any increase in the payments required by health insurance issuers for health insurance coverage provided to individuals who are guaranteed an offer of enrollment under individual health insurance coverage relative to other individuals who purchase health insurance coverage; to the Committee on Commerce.

By Mr. REDMOND (for himself, Mr. SKEEN, and Mr. SCHIFF):

H.R. 3539. A bill to amend the Radiation Exposure Compensation Act to provide for payment of compensation to individuals exposed to radiation as the result of working in uranium mines and mills which provided uranium for the use and benefit of the United States Government, and for other purposes; to the Committee on the Judiciary.

By Ms. RIVERS:

H.R. 3540. A bill to assess the impact of the North American Free Trade Agreement on domestic job loss and the environment, and for other purposes; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 3541. A bill to amend the Internal Revenue Code of 1986 to provide that the \$500,000 exclusion of gain on the sale of a principal residence shall apply to certain sales by a surviving spouse; to the Committee on Ways and Means.

By Mr. SMITH of Oregon:

H.R. 3542. A bill to clarify the Bureau of Land Management's authority to make sales and exchanges of certain Federal lands in the State of Oregon, and for other purposes; to the Committee on Resources.

By Mrs. LINDA SMITH of Washington:

H.R. 3543. A bill to amend the Federal Election Campaign Act of 1971 to prohibit a political committee from reimbursing a candidate for election for Federal office for amounts provided to the committee in support of the candidate's campaign; to the Committee on House Oversight.

By Mr. UPTON:

H.R. 3544. A bill to amend the National Sea Grant College Program Act with respect to the treatment of Lake Champlain; to the Committee on Resources.

By Mr. BOYD (for himself and Mr. STENHOLM):

H. Con. Res. 248. Concurrent resolution expressing the sense of Congress that the Internal Revenue Code of 1986 should be reformed by April 15, 2001, in a manner that protects the Social Security and Medicare Trust Funds, that is revenue neutral, and that results in a fair and less complicated tax code; to the Committee on Ways and Means.

By Mr. EVANS (for himself, Mr. SMITH of New Jersey, Mr. KENNEDY of Massachusetts, Mr. FILNER, Mr. DOYLE, Mr. MASCARA, Mr. PETERSON of Minnesota, Mr. REYES, and Mr. RODRIGUEZ):

H. Con. Res. 249. Concurrent resolution stating the sense of Congress that substantial amounts of the proceeds received by the United States under any congressionally approved tobacco settlement should be allocated to the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BEREUTER (for himself and Mr. BERMAN):

H. Res. 392. A resolution relating to the importance of Japanese-American relations and



the urgent need for Japan to more effectively address its economic and financial problems and open its markets by eliminating informal barriers to trade and investment, thereby making a more effective contribution to leading the Asian region out of its current financial crisis, insuring against a global recession, and reinforcing regional stability and security; to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 96: Mr. SCARBOROUGH.  
H.R. 306: Mr. KING of New York.  
H.R. 543: Mr. PETERSON of Minnesota and Mr. LANTOS.  
H.R. 612: Mr. REGULA, Mrs. MINK of Hawaii, Mr. WEXLER, Mr. HUTCHINSON, and Mr. LIVINGSTON.  
H.R. 746: Mr. OBERSTAR.  
H.R. 777: Mr. KENNEDY of Massachusetts.  
H.R. 815: Ms. SANCHEZ.  
H.R. 836: Mr. WEXLER, Mr. CHRISTENSEN, Mr. ADAM SMITH of Washington, and Mrs. MORELLA.  
H.R. 859: Mr. LEWIS of Kentucky.  
H.R. 864: Mr. GUTIERREZ, Ms. KAPTUR, Mr. MASCARA, Mr. SHERMAN, Mr. LANTOS, Ms. PELOSI, Mr. CUMMINGS, Mr. PASTOR, Ms. MCKINNEY, Mr. SNYDER, and Mrs. MINK of Hawaii.  
H.R. 872: Mr. CAMP, Mr. FRELINGHUYSEN, Mr. LEWIS of California, and Ms. WOOLSEY.  
H.R. 880: Mr. SMITH of Michigan.  
H.R. 922: Mr. CAMP.  
H.R. 923: Mr. CAMP.  
H.R. 979: Mrs. MORELLA, Mr. JOHN, Mr. BARRETT of Wisconsin, Mr. PETERSON of Minnesota, Mr. SHERMAN, Mr. PASCRELL, and Mr. PACKARD.  
H.R. 981: Mr. OLVER, Mr. BECERRA, Mr. DELAHUNT, and Mrs. CAPPS.  
H.R. 982: Mr. WAXMAN.  
H.R. 1070: Mr. SNYDER.  
H.R. 1121: Mr. CHAMBLISS and Mr. REDMOND.  
H.R. 1231: Mr. KENNEDY of Rhode Island and Mr. SKAGGS.  
H.R. 1234: Ms. CARSON.  
H.R. 1322: Mr. NORWOOD, Mr. PETERSON of Pennsylvania, Mr. SESSIONS, Mr. HALL of Texas, Mr. RAHALL, Ms. GRANGER, and Mr. SOLOMON.  
H.R. 1378: Mr. GOODLATTE.  
H.R. 1401: Mr. BOEHLERT.  
H.R. 1500: Ms. SANCHEZ.  
H.R. 1525: Mr. ANDREWS.  
H.R. 1555: Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. FAZIO of California, and Mr. WEYGAND.  
H.R. 1573: Mr. WAXMAN, Mr. FILNER, Mr. UNDERWOOD, and Mr. LAMPSON.  
H.R. 1586: Mr. NADLER.  
H.R. 1595: Mr. ENSIGN.  
H.R. 1689: Mrs. JOHNSON of Connecticut and Mr. FOLEY.  
H.R. 1737: Mr. ABERCROMBIE.  
H.R. 1864: Mr. BLUMENAUER.  
H.R. 2009: Mr. RODRIGUEZ, Ms. NORTON, Mr. LEVIN, Mr. FOX of Pennsylvania, Mr. HORN, Mr. PRICE of North Carolina, Mr. WYNN, Mr. KENNEDY of Massachusetts, Mr. STRICKLAND, Ms. JACKSON-LEE, and Mr. MEEHAN.  
H.R. 2120: Mr. MORAN of Virginia.  
H.R. 2124: Mr. DIAZ-BALART and Mr. GOODLING.

H.R. 2125: Mrs. ROUKEMA.  
H.R. 2163: Mr. PAUL.  
H.R. 2223: Mr. GIBBONS.  
H.R. 2275: Mr. KUCINICH.  
H.R. 2313: Mr. CAMPBELL.  
H.R. 2396: Mr. MCHALE, Mr. OLVER, and Ms. STABENOW.  
H.R. 2400: Mr. ROGERS.  
H.R. 2424: Mr. GOSS.  
H.R. 2433: Mr. LUTHER, Ms. LOFGREN, Mr. BARRETT of Wisconsin, and Mr. WAXMAN.  
H.R. 2497: Mr. CONDIT.  
H.R. 2538: Mr. COOKSEY, Mr. CALVERT, Mr. PAPPAS, Mr. GINGRICH, Mr. LANTOS, and Mr. THOMAS.  
H.R. 2549: Ms. NORTON.  
H.R. 2635: Mr. KUCINICH.  
H.R. 2652: Mrs. TAUSCHER.  
H.R. 2670: Ms. PELOSI and Mr. CASTLE.  
H.R. 2701: Ms. BROWN of Florida, Mr. BORSKI, Mr. TORRES, and Mr. JENKINS.  
H.R. 2821: Mr. HASTINGS of Washington and Mr. McDERMOTT.  
H.R. 2828: Mr. KENNEDY of Rhode Island.  
H.R. 2829: Ms. JACKSON-LEE, Mr. McINTOSH, Mrs. MORELLA, Mr. PAYNE, Mr. SISISKY, Mr. FORD, and Mr. MOAKLEY.  
H.R. 2923: Mr. SHERMAN, Mr. STARK, and Mr. LEWIS of California.  
H.R. 2938: Mr. BONILLA.  
H.R. 2955: Mr. HINCHEY.  
H.R. 2962: Mr. BALDACC.  
H.R. 3001: Mr. COYNE, Ms. PELOSI, and Ms. DEGETTE.  
H.R. 3014: Mr. CAMPBELL.  
H.R. 3048: Mr. CLYBURN, Mr. ROHRBACHER, and Mr. BILBRAY.  
H.R. 3097: Mr. PETERSON of Pennsylvania.  
H.R. 3099: Mr. WEYGAND and Mr. RANGEL.  
H.R. 3131: Mr. GREENWOOD.  
H.R. 3140: Mr. BARCIA of Michigan, Mr. SKEEN, Mr. TANNER, Mr. LUCAS of Oklahoma, Mr. WATTS of Oklahoma, Mr. ETHERIDGE, Mr. HANSEN, Mr. HASTINGS of Washington, Mr. SMITH of Oregon, and Mr. HOEKSTRA.  
H.R. 3155: Mr. EVANS.  
H.R. 3181: Mr. FORD.  
H.R. 3205: Mr. KILDEE and Mr. RODRIGUEZ.  
H.R. 3211: Mr. WELDON of Florida, Mr. GOODLING, Mr. CHRISTENSEN, Mr. LARGENT, Mr. ABERCROMBIE, and Mr. KLECZKA.  
H.R. 3217: Mr. HAYWORTH, Mrs. KENNELLY of Connecticut, and Mr. FOLEY.  
H.R. 3241: Mr. PITTS.  
H.R. 3242: Mr. CALVERT and Mr. ENGLISH of Pennsylvania.  
H.R. 3249: Mr. WOLF.  
H.R. 3255: Ms. FURSE.  
H.R. 3260: Mr. RAMSTAD, Ms. RIVERS, Mr. OXLEY, Mr. PORTER, and Mr. PETRI.  
H.R. 3269: Ms. FURSE and Mr. GREEN.  
H.R. 3275: Mr. SCHIFF.  
H.R. 3279: Mr. GONZALEZ and Mr. MARTINEZ.  
H.R. 3295: Mr. MANTON, Mr. SPENCE, Mr. SKELTON, Mr. DEFazio, Mr. TURNER, Mr. HOYER, Mr. SYNDER, Mr. LUTHER, Mr. SISISKY, Mr. TAYLOR of Mississippi, Ms. MCKINNEY, Ms. FURSE, and Mr. WATT of North Carolina.  
H.R. 3297: Mrs. EMERSON and Mr. CRAPO.  
H.R. 3314: Mrs. MYRICK.  
H.R. 3318: Mr. HYDE, Mr. DOOLEY of California, Mr. WATKINS, Mr. YOUNG of Alaska, Mr. KLINK, Mr. ROYCE, Mr. POMEROY, Mr. ENGLISH of Pennsylvania, Mr. COOKSEY, Mr. DAVIS of Virginia, Mr. PASCRELL, Mr. PAXON, Ms. FURSE, and Mr. NADLER.  
H.R. 3331: Mr. LEWIS of Kentucky, Mr. HOEKSTRA, and Mrs. MYRICK.  
H.R. 3335: Mr. MCCOLLUM.  
H.R. 3336: Mr. SCARBOROUGH.  
H.R. 3351: Mr. PORTMAN.  
H.R. 3396: Mr. STOKES, Mr. WELDON of Pennsylvania, Mr. GOODLING, Mr. SISISKY, Mr. ROHRBACHER, Mr. MOAKLEY, Mr. HORN, Mr. BACHUS, Mr. SKEEN, Mr. FORD, and Mr. BALDACC.  
H.R. 3400: Mr. McDERMOTT, Mr. SANDERS, and Mrs. CLAYTON.

H.R. 3433: Mr. RAMSTAD, Mr. ENGLISH of Pennsylvania, Mr. HAYWORTH, Mr. HULSHOF, Mr. RANGEL, Mr. MATSUI, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mrs. THURMAN, Ms. KAPTUR, Ms. LOFGREN, and Mr. KLINK.

H.R. 3440: Mr. DAVIS of Florida.  
H.R. 3464: Mr. EDWARDS and Mr. MARTINEZ.  
H.R. 3469: Mr. BARRETT of Wisconsin.

H.R. 3502: Mr. GILMAN, Mr. HOYER, Mr. KLECZKA, Mr. BOEHLERT, Mr. BENTSEN, Mr. RAHALL, Mr. ADAM SMITH of Washington, and Mr. ANDREWS.

H.R. 3510: Ms. BROWN of Florida, Ms. FURSE, and Mr. SERRANO.

H.R. 3514: Mr. KILDEE, Mr. KUCINICH, and Mr. BENTSEN.

H.R. 3526: Mr. LEVIN and Mr. FARR of California.

H.J. Res. 71: Mr. NORWOOD, Mr. PETERSON of Pennsylvania, Mr. SESSIONS, Mr. HALL of Texas, Mr. RAHALL, Ms. GRANGER, and Mr. SOLOMON.

H.J. Res. 78: Mr. ROGAN and Mr. OXLEY.

H. Con. Res. 188: Mr. HINCHEY.

H. Con. Res. 203: Mr. MORAN of Virginia and Mr. McDADE.

H. Con. Res. 211: Mr. GOODLING.

H. Con. Res. 228: Ms. RIVERS, Mr. MATSUI, Mr. LUTHER, and Mr. DOOLEY of California.

H. Con. Res. 229: Mr. BARR of Georgia, Mr. BASS, Mr. BILBRAY, Mr. BLILEY, Mr. FILNER, Mr. HUNTER, Mr. McNULTY, Mr. PITTS, Mr. STEARNS, Mrs. THURMAN, Mr. WATTS of Oklahoma, and Mrs. WOOLSEY.

H. Con. Res. 239: Mr. LEACH.

H. Res. 83: Mr. BLUMENAUER.

H. Res. 363: Mr. CALLAHAN, Ms. PELOSI, Mr. BENTSEN, Mr. CLAY, Ms. FURSE, Mr. BACHUS, Mr. FARR of California, Mr. GUTIERREZ, Mr. SANDERS, Mr. GONZALEZ, and Mr. BILBRAY.

H. Res. 387: Mr. MEEHAN, Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. BONIOR, Mr. OLVER, Mr. FILNER, Mr. SERRANO, Mr. SNYDER, Mr. TIERNEY Mr. MCGOVERN, and Mr. MANTON.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 740: Mr. SHIMKUS.  
H.R. 981: Mrs. MYRICK.  
H.R. 1415: Mr. McINTOSH.

#### AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2578

OFFERED BY: Mr. LAFALCE

AMENDMENT No. 1: Page 2, after line 22, insert the following:

#### SEC. 3. AMENDMENT OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

(a) IN GENERAL.—Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

“(a) SYSTEM.—

“(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—

“(A) collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States; and

“(B) enable the Attorney General to identify, through on-line searching procedures,

lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

“(2) EXCEPTION.—The system under paragraph (1) shall not collect a record of arrival or departure—

“(A) at a land border or seaport of the United States for any alien;

“(B) for any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of the Immigration and Nationality Act.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-546).

#### SEC. 4. REPORT.

(a) REQUIREMENT.—Not later than two years after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the feasibility of developing and implementing an automated entry-exit control system that would collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States, including departures and arrivals at the land borders of the United States.

(b) CONTENTS OF REPORT.—Such report shall—

(1) assess the costs and feasibility of various means of operating such an automated entry-exit control system, including exploring—

(A) how, if the automated entry-exit control system were limited to certain aliens arriving at airports, departure records of those aliens could be collected when they depart through a land border or seaport; and

(B) the feasibility of the Attorney General, in consultation with the Secretary of State, negotiating reciprocal agreements with the governments of contiguous countries to collect such information on behalf of the United States and share it in an acceptable automated format;

(2) consider the various means of developing such a system, including the use of pilot projects if appropriate, and assess which means would be most appropriate in which geographical regions;

(3) evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and

(4) estimate the length of time that would be required for any such system to be developed and implemented.

#### SEC. 5. INCREASED RESOURCES FOR BORDER CONTROL AND ENFORCEMENT.

(a) INCREASED NUMBER OF INS INSPECTORS AT THE LAND BORDERS.—The Attorney General in each of fiscal years 1998, 1999, and 2000 shall increase by not less than 300 the number of full-time inspectors assigned to active duty at the land borders of the United States by the Immigration and Naturalization Service, above the number of such positions for which funds were made available for the preceding fiscal year. Not less than one-half of the inspectors added under the preceding sentence in each fiscal year shall be assigned to the northern border of the United States.

(b) INCREASED NUMBER OF CUSTOMS INSPECTORS AT THE LAND BORDERS.—The Secretary of the Treasury in each of fiscal years 1998, 1999, and 2000 shall increase by not less than

150 the number of full-time inspectors assigned to active duty at the land borders of the United States by the Customs Service, above the number of such positions for which funds were made available for the preceding fiscal year. One-half of the inspectors added under the preceding sentence in each fiscal year shall be assigned to the northern border and one-half to the southern border of the United States.

H.R. 2578

OFFERED BY: MR. POMBO

AMENDMENT NO. 2: Page 2, after line 22, insert the following:

#### SEC. 3. QUALIFICATIONS FOR DESIGNATION AS PILOT PROGRAM COUNTRY.

Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)) is amended to read as follows:

“(2) QUALIFICATIONS.—Except as provided in subsection (g), a country may not be designated as a pilot program country unless the following requirements are met:

“(A) LOW NONIMMIGRANT VISA REFUSAL RATE.—Either—

“(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during—

“(I) the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years; and

“(II) either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year; or

“(ii) such refusal rate for nationals of that country during the previous full fiscal year was less than 3.0 percent.

“(B) MACHINE READABLE PASSPORT PROGRAM.—The government of the country certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens.

“(C) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States law enforcement interests would not be compromised by the designation of the country.”.

Amend the title so as to read: “A bill to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.”.

H.R. 2578

OFFERED BY: MR. SMITH OF TEXAS

AMENDMENT NO. 3: Page 2, strike lines 1 through 5 and insert the following:

#### SECTION 1. EXTENSION OF VISA WAIVER PILOT PROGRAM.

Section 217(f) of the Immigration and Naturalization Act is amended by striking “1998.” and inserting “2000.”.

H.R. 2578

OFFERED BY: MR. UNDERWOOD

AMENDMENT NO. 4: Page 2, after line 22, insert the following:

#### SEC. 3. VISA WAIVER PILOT PROGRAM FOR PHILIPPINE NATIONALS VISITING GUAM.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Attorney General and the Secretary of State shall establish a pilot program (hereinafter in this section referred to as the “pilot program”) under which the requirement of section 212(a)(7)(B)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)(i)(II)) may be waived by the Attorney General, in consultation with the Secretary of State, and in accordance with this section, in the case of an alien who meets the following requirements:

(1) SEEKING ENTRY INTO GUAM FOR 15 DAYS OR LESS.—The alien is applying for admission during the pilot program period (described in subsection (d)) as a nonimmigrant visitor (described in section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B))) and solely for entry into and stay on Guam for a period not to exceed 15 days.

(2) NATIONAL OF PHILIPPINES.—The alien is a national of, and presents a passport issued by, the Republic of the Philippines.

(3) FAMILY OBLIGATION.—The alien before the time of such admission completes an immigration form stating that the application for admission is occasioned by a family obligation involving an occurrence such as the illness or death of a close relative or other family need.

(4) ATTESTING SPONSOR.—The alien before the time of such admission submits an attestation executed by a sponsor of the alien, in which the sponsor attests, under penalty of perjury and on a form designated or established by the Attorney General by regulation, that—

(A) the sponsor is a national of the United States residing on Guam;

(B) the sponsor is a spouse, parent, grandparent, aunt, uncle, brother, sister, son, or daughter of the alien; and

(C) the trip is occasioned by a family obligation described in paragraph (3).

(5) EXECUTES IMMIGRATION FORMS.—The alien before the time of such admission completes such other immigration forms (consistent with this section) as the Attorney General may establish.

(6) NOT A SAFETY THREAT.—The alien has been determined not to represent a threat to the welfare, health, safety, or security of the United States.

(7) NO PREVIOUS VIOLATION.—If the alien previously was admitted without a visa under this section, the alien must not have failed to comply with the conditions of any previous admission as such a nonimmigrant.

(8) ROUND-TRIP TICKET.—The alien is in possession of a round-trip transportation ticket (unless this requirement is waived by the Attorney General under regulations).

(b) WAIVER OF RIGHTS.—An alien may not be provided a waiver under the pilot program unless the alien has waived any right—

(1) to review or appeal under the Immigration and Nationality Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into Guam; or

(2) to contest, other than on the basis of an application for asylum, any action for removal of the alien.

(c) LIMITATION.—The total number of nationals of the Republic of the Philippines who are admitted for entry into Guam pursuant to a waiver under this section may not exceed 100 during any calendar month.

(d) PILOT PROGRAM PERIOD.—

(1) IN GENERAL.—Except as provided in paragraph (2), the pilot program period described in this subsection is the 12-month period beginning on the first day of the implementation of the pilot program.

(2) TERMINATION DUE TO HIGH OVERSTAY RATE.—

(A) IN GENERAL.—The pilot program period shall terminate upon a determination by the Attorney General that the overstay rate (defined in subparagraph (B)) with respect to any calendar month exceeds 20 percent. The termination under the preceding sentence shall take effect on the first day of the first month following the month in which the termination is made.

(B) OVERSTAY RATE.—For purposes of this paragraph, the term “overstay rate” means the percentage which—

(i) the total number of nationals of the Republic of the Philippines who were admitted for entry into Guam pursuant to a waiver under this section during the most recent month for which data are available, and who violated the terms of such admission; bears to

(ii) the total number of nationals of such country who were admitted for entry into Guam pursuant to a waiver under this section during such month.

(e) ENFORCEMENT AND REPORTING.—

(1) MEMORANDUM OF UNDERSTANDING.—Prior to the implementation of the pilot program, the Attorney General and the Government of Guam shall enter into a memorandum of understanding setting forth their respective obligations with respect to the program's operation. The memorandum shall contain provisions sufficient to ensure that the requirements of this section are enforced effectively, including provisions ensuring that the arrival and departure control system on Guam—

(A) will collect a record of departure for every alien who was admitted pursuant to a waiver under this section, and match the record of departure with the record of the alien's arrival in Guam; and

(B) will enable the Attorney General to identify aliens who remain on Guam beyond the period authorized by the Attorney General under this section.

(2) REPORTING ON ALIENS OVERSTAYING PERIOD OF LAWFUL ADMISSION.—The memorandum under paragraph (1) shall require the Government of Guam to report to the Attorney General in a timely manner (but not less than monthly) any information, in addition to the information described in paragraph (1), that the Government of Guam may acquire with respect to aliens admitted pursuant to a waiver under this section who remain on Guam beyond the period authorized by the Attorney General under this section.

(f) INCLUSION OF PHILIPPINES IN GUAM-ONLY VISA WAIVER PROGRAM.—

(1) PROGRAM REVIEW.—Upon the termination of the pilot program under subsection (d)(1), the Attorney General shall conduct a review of the success of the program and shall determine whether the overstay rates (as defined in subsection (d)(2)(B)) for the months comprising the pilot program period were excessive. The Attorney General shall complete the review, and shall issue the determination, not later than 6 months after the termination of the pilot program under subsection (d)(1).

(2) DETERMINATION OF SUCCESS.—Upon the issuance of a determination by the Attorney General under paragraph (1) that the overstay rates, when considered together, were not excessive, the Republic of the Philippines shall be deemed to be a geographic area that meets the eligibility criteria for inclusion in the visa waiver program under section 212(l) of the Immigration and Nationality Act (8 U.S.C. 1182(l)).

(g) DEFINITIONS.—Except as otherwise provided in this section, the terms used in this section shall have the meaning given such terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

H.R. 2589

OFFERED BY: MR. SENSENBRENNER

AMENDMENT NO. 1: Page 1, insert before section 1 the following:

**TITLE I—COPYRIGHT TERM EXTENSION**

Strike section 1 and insert the following:

**SEC. 101. SHORT TITLE.**

This title may be referred to as the "Copyright Term Extension Act".

Redesignate sections 2 through 5 as sections 102 through 105, respectively.

In section 105, as so redesignated, strike "this Act" and insert "this title".

Strike section 6 and insert the following:

**SEC. 106. EFFECTIVE DATE.**

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

Add at the end the following:

**TITLE II—MUSIC LICENSING**

**SEC. 201. SHORT TITLE.**

This title may be cited as the "Fairness in Musical Licensing Act of 1998".

**SEC. 202. EXEMPTION OF CERTAIN MUSIC USES FROM COPYRIGHT PROTECTION.**

(a) BUSINESS EXEMPTION.—Section 110(5) of title 17, United States Code, is amended to read as follows:

"(5) communication by electronic device of a transmission embodying a performance or display of a nondramatic musical work by the public reception of a broadcast, cable, satellite, or other transmission, if—

"(A)(i) the rooms or areas within the establishment where the transmission is intended to be received by the general public contains less than 3,500 square feet, excluding any space used for customer parking; or

"(ii) the rooms or areas within the establishment where the transmission is intended to be received by the general public contains 3,500 square feet or more, excluding any space used for customer parking, if—

"(I) in the case of performance by audio means only, the performance is transmitted by means of a total of not more than 6 speakers (excluding any speakers in the device receiving the communication), of which not more than 4 speakers are located in any 1 room or area; or

"(II) in the case of a performance or display by visual or audiovisual means, any visual portion of the performance or display is communicated by means of not more than 2 audio visual devices, if no such audio visual device has a diagonal screen size greater than 55 inches, and any audio portion of the performance or display is transmitted by means of a total of not more than 6 speakers (excluding any speakers in the device receiving the communication), of which not more than 4 speakers are located in any 1 room or area;

"(B) no direct charge is made to see or hear the transmission;

"(C) the transmission is not further transmitted to the public beyond the establishment where it is received; and

"(D) the transmission is licensed.".

(b) EXEMPTION RELATING TO PROMOTION.—Section 110(7) of title 17, United States Code, is amended—

(1) by striking "a vending" and inserting "an";

(2) by striking "sole";

(3) by inserting "or of the audio, video, or other devices utilized in the performance," after "phonorecords of the work,"; and

(4) by striking "and is within the immediate area where the sale is occurring".

**SEC. 203. BINDING ARBITRATION OF RATE DISPUTES INVOLVING PERFORMING RIGHTS SOCIETIES.**

(a) IN GENERAL.—Section 504 of title 17, United States Code, is amended by adding at the end the following new subsection:

"(d) PERFORMING RIGHTS SOCIETIES; BINDING ARBITRATION.—

"(I) ARBITRATION OF DISPUTES PRIOR TO COURT ACTION.—

"(A) ARBITRATION.—(i) If a general music user and a performing rights society are unable to agree on the appropriate rate or fee to be paid for the user's past or future performance of musical works in the repertoire of the performing rights society, the general music user shall, in lieu of any other dispute-resolution mechanism established by any judgment or decree governing the operation of the performing rights society, be entitled to binding arbitration of such disagreement pursuant to the rules of the American Arbitration Association. The music user may initiate such arbitration.

"(ii) The arbitrator in such binding arbitration shall determine a fair and reasonable rate or fee for the general music user's past and future performance of musical works in such society's repertoire and shall determine whether the user's past performances of such musical works, if any, infringed the copyrights of works in the society's repertoire. If the arbitrator determines that the general music user's past performances of such musical works infringed the copyrights of works in the society's repertoire, the arbitrator shall impose a penalty for such infringement. Such penalty shall not exceed the arbitrator's determination of the fair and reasonable license fee for the performances at issue.

"(B) DEFINITIONS.—(i) For purposes of this paragraph, a 'general music user' is any person who performs musical works publicly but is not engaged in the transmission of musical works to the general public or to subscribers through broadcast, cable, satellite, or other transmission.

"(ii) For purposes of this paragraph, transmissions within a single commercial establishment or within establishments under common ownership or control are not transmissions to the general public.

"(iii) For purposes of clause (ii), an 'establishment' is a retail business, restaurant, bar, inn, tavern, or any other place of business in which the public may assemble.

"(C) ENFORCEMENT OF ARBITRATOR'S DETERMINATIONS.—An arbitrator's determination under this paragraph is binding on the parties and may be enforced pursuant to sections 9 through 13 of title 9.

"(2) COURT-ANNEXED ARBITRATION.—(A) In any civil action brought against a general music user, as defined in paragraph (1) for infringement of the right granted in section 106(4) involving a musical work that is in the repertoire of a performing rights society, if the general music user admits the prior public performance of one or more works in the repertoire of the performing rights society but contests the rate or the amount of the license fee demanded by such society for such performance, the dispute shall, if requested by the general music user, be submitted to arbitration under section 652(e) of title 28. In such arbitration proceeding, the arbitrator shall determine the appropriate rate and amount owed by the music user to the performing rights society for all past public performances of musical works in the society's repertoire. The amount of the license fee shall not exceed two times the amount of the blanket license fee that would be applied by the society to the music user for the year or years in which the performances occurred. In addition, the arbitrator shall, if requested by the music user, determine a fair and reasonable rate or license fee for the music user's future public performances of the musical works in such society's repertoire.

"(B) As used in this paragraph, the term 'blanket license' means a license provided by a performing rights society that authorizes the unlimited performance of musical works in the society's repertoire, for a fee that does not vary with the quantity or type of performances of musical works in the society's repertoire.

"(3) TERM OF LICENSE FEE DETERMINATION.—In any arbitration proceeding initiated under this subsection, the arbitrator's determination of a fair and reasonable rate or license fee for the performance of the music in the repertoire of the performing rights society

concerned shall apply for a period of not less than 3 years nor more than 5 years after the date of the arbitrator's determination."

(b) ACTIONS THAT SHALL BE REFERRED TO ARBITRATION.—Section 652 of title 28, United States Code, is amended by adding at the end the following:

"(e) ACTIONS THAT SHALL BE REFERRED TO ARBITRATION.—In any civil action against a general music user for infringement of the right granted in section 106(4) of title 17 involving a musical work that is in the repertoire of a performing rights society, if the general music user admits the public performance of any musical work in the repertoire of the performing rights society but contests the rate or the amount of the license fee demanded by the society for such performance, the district court shall, if requested by the general music user, refer the dispute to arbitration, which shall be conducted in accordance with section 504(d)(2) of title 17. Each district court shall establish procedures by local rule authorizing the use of arbitration under this subsection. The definitions set forth in title 17 apply to the terms used in this subsection."

#### SEC. 204. VICARIOUS LIABILITY PROHIBITED.

Section 501 of title 17, United States Code, is amended by adding at the end the following:

"(f) A landlord, an organizer or sponsor of a convention, exposition, or meeting, a facility owner, or any other person making space available to another party by contract, shall not be liable under any theory of vicarious or contributory infringement with respect to an infringing public performance of a copyrighted work by a tenant, lessee, subtenant, sublessee, licensee, exhibitor, or other user of such space on the ground that—

"(1) a contract for such space provides the landlord, organizer or sponsor, facility owner, or other person a right or ability to control such space and compensation for the use of such space; or

"(2) the landlord, organizer or sponsor, facility owner, or other person has or had at the time of the infringing performance actual control over some aspects of the use of such space, if the contract for the use of such space prohibits infringing public performances and the landlord, organizer or sponsor, facility owner, or other person does not exercise control over the selection of works performed."

#### SEC. 205. CONFORMING AMENDMENTS.

Section 101 of title 17, United States Code, is amended by inserting after the undesignated paragraph relating to the definition of "perform" the following:

"A 'performing rights society' is an association, corporation, or other entity that licenses the public performance of nondramatic musical works on behalf of copyright owners of such works, such as the American Society of Composers, Authors, and Publishers, Broadcast Music, Inc., and SESAC, Inc. The 'repertoire' of a performing rights society consists of those works for which the society provides licenses on behalf of the owners of copyright in the works."

#### SEC. 206. CONSTRUCTION OF TITLE.

Except as provided in section 504(d)(1) of title 17, United States Code, as added by section 203(a) of this Act, nothing in this title shall be construed to relieve any performing rights society (as defined in section 101 of title 17, United States Code) of any obligation under any consent decree, State statute, or other court order governing its operation, as such statute, decree, or order is in effect on the date of the enactment of this Act, as it may be amended after such date, or as it may be enacted, issued, or agreed to after such date.

#### SEC. 207. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act, and shall apply to actions filed on or after such date.

H.R. 2589

OFFERED BY: MR. COBLE

AMENDMENT NO. 2: Page 4, line 9, strike "of 1997".

Page 4, line 24, strike "of 1997".

Page 5, line 12, strike "of 1997".

Page 6, line 4, strike "of 1997".

Page 6, strike line 17 and all that follows through page 7, line 4 and insert the following:

"(D) In the event that the author's widow or widower, children, and grandchildren are not living, the author's executor, administrator, personal representative, or trustee shall own the author's entire termination interest."

Insert the following after section 5 and redesignate the succeeding section accordingly:

#### SEC. 6. ASSUMPTION OF CONTRACTUAL OBLIGATIONS RELATED TO TRANSFERS OF RIGHTS IN MOTION PICTURES.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following new chapter:

##### "CHAPTER 180—ASSUMPTION OF CERTAIN CONTRACTUAL OBLIGATIONS

"Sec.

"4001. Assumption of contractual obligations related to transfers of rights in motion pictures.

##### "§4001. Assumption of contractual obligations related to transfers of rights in motion pictures

"(a) ASSUMPTION OF OBLIGATIONS.—In the case of a transfer of copyright ownership in a motion picture (as defined in section 101 of title 17) that is produced subject to 1 or more collective bargaining agreements negotiated under the laws of the United States, if the transfer is executed on or after the effective date of this Act and is not limited to public performance rights, the transfer instrument shall be deemed to incorporate the assumption agreements applicable to the copyright ownership being transferred that are required by the applicable collective bargaining agreement, and the transferee shall be subject to the obligations under each such assumption agreement to make residual payments and provide related notices, accruing after the effective date of the transfer and applicable to the exploitation of the rights transferred, and any remedies under each such assumption agreement for breach of those obligations, as those obligations and remedies are set forth in the applicable collective bargaining agreement, if—

"(1) the transferee knows or has reason to know at the time of the transfer that such collective bargaining agreement was or will be applicable to the motion picture; or

"(2) in the event of a court order confirming an arbitration award against the transferor under the collective bargaining agreement, the transferor does not have the financial ability to satisfy the award within 90 days after the order is issued.

"(b) FAILURE TO NOTIFY.—If the transferor under subsection (a) fails to notify the transferee under subsection (a) of applicable collective bargaining obligations before the execution of the transfer instrument, and subsection (a) is made applicable to the transferee solely by virtue of subsection (a)(2), the transferor shall be liable to the transferee for any damages suffered by the transferee as a result of the failure to notify.

"(c) DETERMINATION OF DISPUTES AND CLAIMS.—Any dispute concerning the application of subsection (a) and any claim made

under subsection (b) shall be determined by an action in United States district court, and the court in its discretion may allow the recovery of full costs by or against any party and may also award a reasonable attorney's fee to the prevailing party as part of the costs."

(b) CONFORMING AMENDMENT.—The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

##### "180. Assumption of Certain Contractual Obligations ..... 4001".

H.R. 2589

OFFERED BY: MR. MCCOLLUM

(To the Amendment Offered by: Mr. Sensenbrenner)

AMENDMENT NO. 3: In lieu of the matter proposed to be inserted as title II, insert the following:

#### TITLE II—MUSIC LICENSING EXEMPTION FOR FOOD SERVICE OR DRINKING ESTABLISHMENTS

##### SEC. 201. SHORT TITLE.

This title may be cited as the "Fairness In Music Licensing Act of 1998."

##### SEC. 202. EXEMPTION.

Section 110(5) of title 17, United States Code is amended—

(1) by striking "(5)" and inserting "(5)(A) except as provided in subparagraph (B)";

(2) by adding at the end the following:

"(B) communication by a food service or drinking establishment of a transmission or retransmission embodying a performance or display of a nondramatic musical work intended to be received by the general public, originated by a radio or television broadcast station licensed by the Federal Communications Commission, or, if an audiovisual transmission, by a cable system or satellite carrier, if—

"(i) either the establishment in which the communication occurs has less than 3500 gross square feet of space (excluding space used for customer parking), or the establishment in which the communication occurs has 3500 gross square feet of space or more (excluding space used for customer parking) and—

"(I) if the performance is by audio means only, the performance is communicated by means of a total of not more than 6 loudspeakers, of which not more than 4 loudspeakers are located in any 1 room or adjoining outdoor space; or

"(II) if the performance or display is by audiovisual means, any visual portion of the performance or display is communicated by means of a total of not more than 4 audiovisual devices, of which not more than one audiovisual device is located in any 1 room, and no such audiovisual device has a diagonal screen size greater than 55 inches, and any audio portion of the performance or display is communicated by means of a total of not more than 6 loudspeakers, of which not more than 4 loudspeakers are located in any 1 room or adjoining outdoor space;

"(ii) no direct charge is made to see or hear the transmission or retransmission;

"(iii) the transmission or retransmission is not further transmitted beyond the food service or drinking establishment where it is received; and

"(iv) the transmission or retransmission is licensed by the copyright owner of the work so publicly performed or displayed;"

(3) by adding after paragraph (10) the following:

"The exemptions provided under paragraph (5) shall not be taken into account in any administrative, judicial, or other governmental

proceeding to set or adjust the royalties payable to copyright owners for the public performance or display of their works. Royalties payable to copyright owners for any public performance or display of their works other than such performances or displays as are exempted under paragraph (5) shall not be diminished in any respect as a result of such exemption".

**SEC. 203. LICENSING BY PERFORMING RIGHTS SOCIETIES.**

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by adding at the end the following:

**"§512. determinations of reasonable license fee for individual proprietors**

"In the case of any performing rights society subject to a consent decree which provides for the determination of reasonable license fees to be charged by the performing rights society, notwithstanding the provisions of that consent decree, an individual proprietor who owns or operates fewer than 3 food service or drinking establishments in which nondramatic musical works are performed publicly and who claims that any license agreement offered by that performing rights society to the industry of which the individual proprietor is a member is unreasonable in its license fee as to that individual proprietor, shall be entitled to determination of a reasonable license fee as follows:

"(1) The individual proprietor may commence such proceeding for determination of a reasonable license fee by filing an application in the applicable district court under paragraph (2) that a rate disagreement exists and by serving a copy of the application on the performing rights society. Such proceeding shall commence in the applicable district court within 90 days after the service of such copy, except that such 90-day requirement shall be subject to the administrative requirements of the court.

"(2) The proceeding under paragraph (1) shall be held, at the individual proprietor's election, in the judicial district of the district court with jurisdiction over the applicable consent decree or in that place of holding court of a district court that is the seat of the Federal circuit (other than the Court of Appeals for the Federal Circuit) in which the proprietor's establishment is located.

"(3) Such proceeding shall be held before the judge of the court with jurisdiction over the consent decree governing the performing rights society. At the discretion of the court, the proceeding shall be held before a special master or magistrate judge appointed by such judge. Should that consent decree provide for the appointment of an advisor or advisors to the court for any purpose, any such advisor shall be the special master so named by the court.

"(4) In any such proceeding, the industry rate, or, in the absence of an industry rate, the most recent license fee agreed to by the parties or determined by the court, shall be presumed to have been reasonable at the time it was agreed to or determined by the court. The burden of proof shall be on the individual proprietor to establish the reasonableness of any other fee it requests.

"(5) Pending the completion of such proceeding, the individual proprietor shall have the right to perform publicly the copyrighted musical compositions in the repertoire of the performing rights society, and shall pay an interim license fee, subject to retroactive adjustment when a final fee has been determined, in an amount equal to the industry rate, or, in the absence of an industry rate, the amount of the most recent license fee agreed to by the parties. Failure to pay such interim license fee shall result in immediate dismissal of the proceeding, and the individual proprietor shall then be deemed to have had no right to perform the copyrighted musical compositions in the repertoire of the performing rights society under this section from the date it submitted its notice commencing the proceeding.

"(6) Any decision rendered in such proceeding by a special master or magistrate judge named under paragraph (3) shall be reviewed by the presiding judge. Such proceeding, including such review, shall be concluded within 6 months after its commencement.

"(7) Any such final determination shall be binding only as to the individual proprietor commencing the proceeding, and shall not be applicable to any other proprietor or any other performing rights society, and the performing rights society shall be relieved of any obligation of nondiscrimination among similarly situated music users that may be imposed by the consent decree governing its operations.

"(8) For purposes of this section, the term 'industry rate' means the license fee a performing rights society has agreed to with, or which has been determined by the court for, a significant segment of the music user industry to which the individual proprietor belongs."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by adding after the item relating to section 511 the following:

"512. Determinations of reasonable license fee for individual proprietors."

**SEC. 204. DEFINITIONS.**

Section 101 of title 17, United States Code, is amended—

(1) by inserting after the definition of "display" the following:

"A 'food service or drinking establishment' is a restaurant, inn, bar, tavern, or any other

similar place of business in which the public or patrons assemble for the primary purpose of being served food or drink, in which the majority of the gross square feet of space is used for that purpose, and in which nondramatic musical works are performed publicly.";

(2) by inserting after the definition of "fixed" the following:

"The 'gross square feet of space' of a food service or drinking establishment means the entire interior space of that establishment and any adjoining outdoor space used to serve patrons, whether on a seasonal basis or otherwise.";

(3) by inserting after the definition of "perform" the following:

"A 'performing rights society' is an association, corporation, or other entity that licenses the public performance of nondramatic musical works on behalf of copyright owners of such works, such as the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), and SESAC, Inc."; and

(4) by inserting after the definition of "pictorial, graphic and sculptural works" the following:

"A 'proprietor' is an individual, corporation, partnership, or other entity, as the case may be, that owns a food service or drinking establishment. No owner or operator of a radio or television station licensed by the Federal Communications Commission, cable system or satellite carrier, cable or satellite carrier service or programmer, Internet service provider, online service provider, telecommunications company, or any other such audio-visual service or programmer now known or as may be developed in the future, commercial subscription music service, or owner or operator of any other transmission service, or owner of any other establishment in which the service to the public of food or drink is not the primary purpose, shall under any circumstances be deemed to be a proprietor."

**SEC. 205. CONSTRUCTION OF TITLE.**

Except as otherwise provided in this title, nothing in this title shall be construed to relieve any performing rights society of any obligation under any State or local statute, ordinance, or law, or consent decree or other court order governing its operation, as such statute, ordinance, law, decree, or order is in effect on the date of the enactment of this title, as it may be amended after such date, or as it may be issued or agreed to after such date.

**SEC. 206. EFFECTIVE DATE.**

This title and the amendments made by this title shall take effect 90 days after the date of the enactment of this title.